

SENATE BILL No. 449

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning the behavioral sciences regulatory board; amending
2 K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-
3 5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and
4 K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-
5 6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-
6 6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-
7 6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-
8 5375, 74-5376, 74-7507 and 74-7508 and repealing the existing
9 sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325,
10 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and
11 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-
12 5337.

13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) As part of an original application for or
16 reinstatement of any license, registration, permit or certificate or in
17 connection with any investigation of any holder of a license, registration,
18 permit or certificate, the behavioral sciences regulatory board may require
19 a person to be fingerprinted and submit to a state and national criminal
20 history record check. The fingerprints shall be used to identify the person
21 and to determine whether the person has a record of criminal history in this
22 state or another jurisdiction. The behavioral sciences regulatory board is
23 authorized to submit the fingerprints to the Kansas bureau of investigation
24 and the federal bureau of investigation for a state and national criminal
25 history record check. The behavioral sciences regulatory board may use
26 the information obtained from fingerprinting and the criminal history for
27 purposes of verifying the identification of the person and in the official
28 determination of the qualifications and fitness of the person to be issued or
29 to maintain a license, registration, permit or certificate.

30 (b) Local and state law enforcement officers and agencies shall assist
31 the behavioral sciences regulatory board in the taking and processing of
32 fingerprints of applicants for and holders of any license, registration,
33 permit or certificate and shall release all records of adult convictions and
34 nonconvictions and adult convictions or adjudications of another state or
35 country to the behavioral sciences regulatory board.

36 (c) The behavioral sciences regulatory board may fix and collect a fee

1 as may be required by the board in an amount equal to the cost of
2 fingerprinting and the criminal history record check. Any moneys
3 collected under this subsection shall be deposited in the state treasury and
4 credited to the behavioral sciences regulatory board fee fund. The
5 behavioral sciences regulatory board shall remit all moneys received by or
6 for it from fees, charges or penalties to the state treasurer in accordance
7 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
8 receipt of each such remittance, the state treasurer shall deposit the entire
9 amount in the state treasury to the credit of the behavioral sciences
10 regulatory board fee fund.

11 Sec. 2. K.S.A. 65-5806 is hereby amended to read as follows: 65-
12 5806. (a) An applicant who meets the requirements for licensure pursuant
13 to this act, has paid the license fee provided for by K.S.A. 65-5808, and
14 amendments thereto, and has otherwise complied with the provisions of
15 this act shall be licensed by the board.

16 (b) Licenses issued pursuant to this act shall expire 24 months from
17 the date of issuance unless revoked prior to that time. A license may be
18 renewed upon application and payment of the fee provided for by K.S.A.
19 65-5808, and amendments thereto. The application for renewal shall be
20 accompanied by evidence satisfactory to the board that the applicant has
21 completed during the previous 24 months the continuing education
22 required by rules and regulations of the board. As part of such continuing
23 education, a licensee shall complete not less than six continuing education
24 hours relating to diagnosis and treatment of mental disorders and not less
25 than three continuing education hours of professional ethics.

26 (c) A person whose license has been suspended or revoked may make
27 written application to the board requesting reinstatement of the license
28 upon termination of the period of suspension or revocation in a manner
29 prescribed by the board, which application shall be accompanied by the
30 fee provided for by K.S.A. 65-5808, and amendments thereto.

31 (d) *Within 30 days after any change of permanent address, a licensee*
32 *shall notify the board of such change.*

33 Sec. 3. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as
34 follows: 65-5807. (a) The board may issue a license to an individual who
35 is currently registered, certified or licensed to practice professional
36 counseling in another jurisdiction if the board determines that:

37 (1) The standards for registration, certification or licensure to practice
38 professional counseling in the other jurisdiction are substantially
39 equivalent to the requirements of this state; or

40 (2) the applicant demonstrates on forms provided by the board
41 compliance with the following standards as adopted by the board:

42 (A) ~~Continuous~~—Registration, certification or licensure to practice
43 professional counseling ~~during the five years for at least 60 of the last 66~~

1 *months* immediately preceding the application with at least the minimum
2 professional experience as established by rules and regulations of the
3 board;

4 (B) the absence of disciplinary actions of a serious nature brought by
5 a registration, certification or licensing board or agency; and

6 (C) a ~~masters~~ *master's* degree in counseling from a regionally
7 accredited university or college.

8 (b) Applicants for licensure as a clinical professional counselor shall
9 additionally demonstrate competence to diagnose and treat mental
10 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
11 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas
12 acceptable to the board:

13 (1) Either graduate coursework as established by rules and
14 regulations of the board or passing a national clinical examination
15 approved by the board;

16 (2) three years of clinical practice with demonstrated experience in
17 diagnosing or treating mental disorders; or

18 (3) attestation from a professional licensed to diagnose and treat
19 mental disorders in independent practice or licensed to practice medicine
20 and surgery stating that the applicant is competent to diagnose and treat
21 mental disorders.

22 (c) An applicant for a license under this section shall pay an
23 application fee established by the board under K.S.A. 65-5808, and
24 amendments thereto, *if required by the board.*

25 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
26 5808. (a) The board ~~shall~~ *may* fix ~~by rules and regulations~~ the following
27 fees, *and any such fees shall be established by rules and regulations*
28 *adopted by the board:*

29 (1) For application for licensure *as a professional counselor*, not more
30 than \$100;

31 (2) for an original license *as a professional counselor*, not more than
32 \$175;

33 (3) for ~~examination~~ *a temporary license as a professional counselor*,
34 not more than \$175;

35 (4) for renewal ~~of a license~~ *for licensure as a professional counselor*,
36 not more than \$150;

37 (5) ~~for reinstatement of a license~~, not more than \$175;

38 (6) ~~for replacement of a license~~, not more than \$20;

39 (7) ~~for~~ application for licensure as a clinical professional counselor,
40 not more than \$175;

41 (6) *for licensure as a clinical professional counselor*, not more than
42 \$175;

43 (8) (7) for renewal for licensure as a clinical professional counselor,

1 not more than \$175;

2 ~~(9) (8) for late renewal penalty, an amount equal to the fee for~~
3 ~~renewal of a license; and~~

4 ~~(10) for exchange of a license in lieu of registration pursuant to~~
5 ~~subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed~~
6 ~~\$150~~

7 ~~(9) for reinstatement of a license, not more than \$175;~~

8 ~~(10) for replacement of a license, not more than \$20; and~~

9 ~~(11) for a wallet card license, not more than \$5.~~

10 (b) Fees paid to the board are not refundable.

11 Sec. 5. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as
12 follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse
13 to renew, condition or revoke any license granted under the professional
14 counselors licensure act for any of the following reasons:

15 ~~(a) Use of drugs or alcohol, or both, to an extent that impairs the~~
16 ~~individual's ability to engage in the practice of professional counseling;~~

17 ~~(b) the individual has been convicted of a felony and, after~~
18 ~~investigation, the board finds that the individual has not been sufficiently~~
19 ~~rehabilitated to merit the public trust;~~

20 ~~(c) use of fraud, deception, misrepresentation or bribery in securing~~
21 ~~any license issued pursuant to the provisions of the professional counselors~~
22 ~~licensure act or in obtaining permission to take any examination given or~~
23 ~~required pursuant to the provisions of the professional counselors licensure~~
24 ~~act;~~

25 ~~(d) obtaining or attempting to obtain any fee, charge, tuition or other~~
26 ~~compensation by fraud, deception or misrepresentation;~~

27 ~~(e) incompetence, misconduct, fraud, misrepresentation or dishonesty~~
28 ~~in the performance of the functions or duties of a professional counselor or~~
29 ~~clinical professional counselor;~~

30 ~~(f) violation of, or assisting or enabling any individual to violate, any~~
31 ~~provision of the professional counselors licensure act or any rule and~~
32 ~~regulation adopted under such act;~~

33 ~~(g) impersonation of any individual holding a license or allowing any~~
34 ~~individual to use a license or diploma from any school of a person licensed~~
35 ~~under the professional counselors licensure act or a diploma from any~~
36 ~~school of an applicant for licensure under the professional counselors~~
37 ~~licensure act;~~

38 ~~(h) revocation or suspension of a license or other authorization to~~
39 ~~practice counseling granted by another state, territory, federal agency or~~
40 ~~country upon grounds for which revocation or suspension is authorized by~~
41 ~~the professional counselors licensure act;~~

42 ~~(i) the individual is mentally ill or physically disabled to an extent~~
43 ~~that impairs the individual's ability to engage in the practice of~~

1 professional counseling;

2 ~~(j) assisting or enabling any person to hold oneself out to the public~~
3 ~~or offer to hold oneself out to the public as a licensed professional~~
4 ~~counselor or a licensed clinical professional counselor who is not licensed~~
5 ~~under the provisions of the professional counselors licensure act;~~

6 ~~(k) the issuance of the license was based upon a material mistake of~~
7 ~~fact;~~

8 ~~(l) violation of any professional trust or confidence;~~

9 ~~(m) use of any advertisement or solicitation which is false,~~
10 ~~misleading or deceptive to the general public or persons to whom the~~
11 ~~advertisement or solicitation is primarily directed;~~

12 ~~(n) unprofessional conduct as defined by rules and regulations~~
13 ~~adopted by the board; or~~

14 ~~(o) the licensee renew or reinstate a license, may condition, limit,~~
15 ~~revoke or suspend a license, may publicly or privately censure a licensee~~
16 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~
17 ~~that a licensee or an applicant for licensure:~~

18 *(1) Is incompetent to practice professional counseling, which means:*

19 *(A) One or more instances involving failure to adhere to the*
20 *applicable standard of care to a degree that constitutes gross negligence,*
21 *as determined by the board;*

22 *(B) repeated instances involving failure to adhere to the applicable*
23 *standard of care to a degree that constitutes ordinary negligence, as*
24 *determined by the board; or*

25 *(C) a pattern of practice or other behavior that demonstrates a*
26 *manifest incapacity or incompetence to practice professional counseling;*

27 *(2) has been convicted of a felony offense and has not demonstrated*
28 *to the board's satisfaction that such person has been sufficiently*
29 *rehabilitated to merit the public trust;*

30 *(3) has been convicted of a misdemeanor against persons and has not*
31 *demonstrated to the board's satisfaction that such person has been*
32 *sufficiently rehabilitated to merit the public trust;*

33 *(4) is currently listed on a child abuse registry or an adult protective*
34 *services registry as the result of a substantiated finding of abuse or neglect*
35 *by any state agency, agency of another state or the United States, territory*
36 *of the United States or another country and the applicant or licensee has*
37 *not demonstrated to the board's satisfaction that such person has been*
38 *sufficiently rehabilitated to merit the public trust;*

39 *(5) has violated a provision of the professional counselors licensure*
40 *act or one or more rules and regulations of the board;*

41 *(6) has obtained or attempted to obtain a license or license renewal*
42 *by bribery or fraudulent representation;*

43 *(7) has knowingly made a false statement on a form required by the*

1 *board for a license or license renewal;*

2 *(8) has failed to obtain continuing education credits as required by*
3 *rules and regulations adopted by the board;*

4 *(9) has been found to have engaged in unprofessional conduct as*
5 *defined by applicable rules and regulations adopted by the board; or*

6 *(10) has had a registration, license or certificate as a professional*
7 *counselor revoked, suspended or limited, or has had other disciplinary*
8 *action taken, or an application for a registration, license or certificate*
9 *denied, by the proper regulatory authority of another state, territory,*
10 *District of Columbia, or other country, a certified copy of the record of the*
11 *action of the other jurisdiction being conclusive evidence thereof.*

12 *(b) **For issuance of a new license or reinstatement of a revoked or***
13 ***suspended license for a licensee or applicant for licensure with a felony***
14 ***conviction, the board may only issue or reinstate such license by a ²/₃***
15 ***majority vote.***

16 *(c) Administrative proceedings and disciplinary actions regarding*
17 *licensure under the professional counselors licensure act shall be*
18 *conducted in accordance with the Kansas administrative procedure act.*
19 *Judicial review and civil enforcement of agency actions under the*
20 *professional counselors licensure act shall be in accordance with the*
21 *Kansas judicial review act.*

22 New Sec. 6. On and after July 1, 2017, all licensees providing
23 postgraduate clinical supervision for those working toward clinical
24 licensure must be board-approved clinical supervisors.

25 (a) Applications for a board-approved clinical supervisor shall be
26 made to the board on a form and in the manner prescribed by the board.
27 Each application shall be accompanied by the fee fixed under K.S.A. 65-
28 5808, and amendments thereto.

29 (b) Each applicant for board-approved clinical supervisor shall
30 furnish evidence satisfactory to the board that the applicant:

31 (1) (A) Is currently licensed as a clinical professional counselor and
32 has practiced as a clinical professional counselor for two years beyond the
33 supervisor's licensure date; or

34 (B) is a person who is licensed at the graduate level to practice in one
35 of the behavioral sciences, and whose authorized scope of practice permits
36 the independent practice of counseling, therapy, or psychotherapy and has
37 practiced at least two years of clinical practice beyond the date of licensure
38 at this level;

39 (2) does not have any disciplinary action that would prohibit
40 providing clinical supervision; and

41 (3) (A) has completed the minimum number of semester hours of
42 coursework related to the enhancement of supervision skills approved by
43 the board; or

1 (B) has completed the minimum number of continuing education
2 hours related to the enhancement of supervision skills approved by the
3 board.

4 (c) Each board-approved clinical supervisor shall complete, as part of
5 the continuing education required under K.S.A. 65-5806, and amendments
6 thereto, at least three hours of continuing education related to the
7 enhancement of supervisory skills, and at least one such hour must focus
8 on ethics in supervision.

9 Sec. 7. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as
10 follows: 65-6309. (a) Except as provided in subsections (b) and (c), an
11 applicant shall be exempted from the requirement for any examination
12 provided for herein if:

13 (1) The applicant proves to the board that the applicant is licensed or
14 registered under the laws of a state or territory of the United States that
15 imposes substantially the same requirements as this act as determined by
16 the board; and

17 (2) pursuant to the laws of any such state or territory, the applicant
18 has taken and passed an examination similar to that for which exemption is
19 sought, as determined by the board.

20 (b) The board may issue a license to an individual who is currently
21 licensed to practice social work at the clinical level in another jurisdiction
22 if the board determines that:

23 (1) The standards for licensure to practice social work at the clinical
24 level in the other jurisdiction are substantially equivalent to the
25 requirements of this state for licensure at the clinical level; or

26 (2) the applicant demonstrates on forms provided by the board
27 compliance with the following standards as adopted by the board:

28 (A) ~~Continuous~~ Licensure to practice social work at the clinical level
29 ~~during the five years~~ *for at least 60 of the last 66 months* immediately
30 preceding the application with at least the minimum professional
31 experience as established by rules and regulations of the board;

32 (B) the absence of disciplinary actions of a serious nature brought by
33 a licensing board or agency; and

34 (C) a ~~masters~~ *master's* or doctoral degree in social work from a
35 regionally accredited university or college and from an accredited graduate
36 social work program recognized and approved by the board pursuant to
37 rules and regulations adopted by the board.

38 (c) Applicants for licensure as a clinical specialist social worker shall
39 additionally demonstrate competence to diagnose and treat mental
40 disorders through meeting the following requirements:

41 (1) Passing a national clinical examination approved by the board or,
42 in the absence of the national examination, continuous licensure to practice
43 as a clinical social worker during the 10 years immediately preceding the

1 application; and

2 (2) three years of clinical practice with demonstrated experience in
3 diagnosing or treating mental disorders.

4 (d) An applicant for a license under this section shall pay an
5 application fee established by the board under K.S.A. 65-6314, and
6 amendments thereto, *if required by the board*.

7 (e) Upon application, the board shall issue temporary licenses to
8 persons who have submitted documentation and met all qualifications for
9 licensure under provisions of this act, except passage of the required
10 examination, and who have paid the required fee.

11 ~~(f) Such persons shall take the license examination within six months~~
12 ~~subsequent to the date of issuance of the temporary license unless there are~~
13 ~~extenuating circumstances approved by the board.~~

14 ~~(g)~~ Absent extenuating circumstances approved by the board, a
15 temporary license issued by the board shall expire upon the date the board
16 issues or denies a license to practice social work or six months after the
17 date of issuance of the temporary license. No temporary license will be
18 renewed or issued again on any subsequent applications for the same
19 license level. The preceding provisions in no way limit the number of
20 times an applicant may take the examination.

21 ~~(h)~~ (g) No person may work under a temporary license except under
22 the supervision of a licensed social worker.

23 ~~(i)~~ (h) Nothing in this section shall affect any temporary license to
24 practice issued under this section prior to the effective date of this act and
25 in effect on the effective date of this act. Such temporary license shall be
26 subject to the provisions of this section in effect at the time of its issuance
27 and shall continue to be effective until the date of expiration of the license
28 as provided under this section at the time of issuance of such temporary
29 license.

30 ~~(j)~~ (i) Any individual employed by a hospital and working in the area
31 of hospital social services to patients of such hospital on July 1, 1974, is
32 exempt from the provisions of this act.

33 ~~(k) If an applicant is denied licensure, the board shall provide the~~
34 ~~applicant with a written explanation of the denial within 10 days after the~~
35 ~~decision of the board, excluding Saturdays, Sundays and legal holidays.~~

36 Sec. 8. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as
37 follows: 65-6311. (a) The board may suspend, limit, revoke, condition or
38 refuse to issue or renew a license of any social worker upon proof that the
39 social worker:

40 ~~(1) Has been convicted of a felony and, after investigation, the board~~
41 ~~finds that the licensee has not been sufficiently rehabilitated to merit the~~
42 ~~public trust;~~

43 ~~(2) has been found guilty of fraud or deceit in connection with-~~

1 ~~services rendered as a social worker or in establishing needed~~
2 ~~qualifications under this act;~~

3 ~~(3) has knowingly aided or abetted a person, not a licensed social~~
4 ~~worker, in representing such person as a licensed social worker in this~~
5 ~~state;~~

6 ~~(4) has been found guilty of unprofessional conduct as defined by~~
7 ~~rules established by the board;~~

8 ~~(5) has been found to have engaged in diagnosis as authorized under~~
9 ~~K.S.A. 65-6319, and amendments thereto, even though not authorized to~~
10 ~~engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

11 ~~(6) has been found guilty of negligence or wrongful actions in the~~
12 ~~performance of duties; or~~

13 ~~(7) refuse to issue, renew or reinstate a license, may condition, limit,~~
14 ~~revoke or suspend a license, may publicly or privately censure a licensee~~
15 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~
16 ~~that a licensee or an applicant for license:~~

17 ~~(1) Is incompetent to practice social work, which means:~~

18 ~~(A) One or more instances involving failure to adhere to the~~
19 ~~applicable standard of care to a degree that constitutes gross negligence,~~
20 ~~as determined by the board;~~

21 ~~(B) repeated instances involving failure to adhere to the applicable~~
22 ~~standard of care to a degree that constitutes ordinary negligence, as~~
23 ~~determined by the board; or~~

24 ~~(C) a pattern of practice or other behavior that demonstrates a~~
25 ~~manifest incapacity or incompetence to practice social work;~~

26 ~~(2) has been convicted of a felony offense and has not demonstrated~~
27 ~~to the board's satisfaction that such person has been sufficiently~~
28 ~~rehabilitated to merit the public trust;~~

29 ~~(3) has been convicted of a misdemeanor against persons and has not~~
30 ~~demonstrated to the board's satisfaction that such person has been~~
31 ~~sufficiently rehabilitated to merit the public trust;~~

32 ~~(4) is currently listed on a child abuse registry or an adult protective~~
33 ~~services registry as the result of a substantiated finding of abuse or neglect~~
34 ~~by any state agency, agency of another state or the United States, territory~~
35 ~~of the United States or another country and the applicant or licensee has~~
36 ~~not demonstrated to the board's satisfaction that such person has been~~
37 ~~sufficiently rehabilitated to merit the public trust;~~

38 ~~(5) has violated a provision of the social workers licensure act or one~~
39 ~~or more rules and regulations of the board;~~

40 ~~(6) has obtained or attempted to obtain a license or license renewal~~
41 ~~by bribery or fraudulent representation;~~

42 ~~(7) has knowingly made a false statement on a form required by the~~
43 ~~board for a license or license renewal;~~

1 (8) *has failed to obtain continuing education credits as required by*
2 *rules and regulations adopted by the board;*

3 (9) *has been found to have engaged in unprofessional conduct as*
4 *defined by applicable rules and regulations adopted by the board; or*

5 (10) *has had a license, registration or certificate to practice social*
6 *work revoked, suspended or limited, or has had other disciplinary action*
7 *taken, or an application for a license, registration or certificate denied, by*
8 *the proper licensing regulatory authority of another state, territory, District*
9 *of Columbia, or other country, a certified copy of the record of the action*
10 *of the other jurisdiction being conclusive evidence thereof.*

11 ~~(b) Proceedings to consider the suspension, revocation or refusal to~~
12 ~~renew a license shall be conducted in accordance with the provisions of~~
13 ~~the Kansas administrative procedure act~~ ***For issuance of a new license or***
14 ***reinstatement of a revoked or suspended license for a licensee or***
15 ***applicant for licensure with a felony conviction, the board may only***
16 ***issue or reinstate such license by a 2/3 majority vote.***

17 (c) *Administrative proceedings and disciplinary actions regarding*
18 *licensure under the social workers licensure act shall be conducted in*
19 *accordance with the Kansas administrative procedure act. Judicial review*
20 *and civil enforcement of agency actions under the social workers licensure*
21 *act shall be in accordance with the Kansas judicial review act.*

22 Sec. 9. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as
23 follows: 65-6313. (a) All licenses issued shall be effective upon the date
24 issued and shall expire at the end of 24 months from the date of issuance.

25 (b) (1) Except as otherwise provided in K.S.A. 65-6311, and
26 amendments thereto, a license may be renewed by the payment of the
27 renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the
28 execution and submission of a signed statement, on a form to be provided
29 by the board, attesting that the applicant's license has been neither revoked
30 nor currently suspended and that applicant has met the requirements for
31 continuing education established by the board including not less than three
32 continuing education hours of professional ethics.

33 (2) An applicant for renewal of a license as a master social worker or
34 a specialist clinical social worker, as part of such continuing education,
35 shall complete not less than six continuing education hours relating to
36 diagnosis and treatment of mental disorders.

37 ~~(3) On and after January 1, 2011,~~ An applicant for first time licensure
38 renewal as a baccalaureate social worker, master social worker or
39 specialist clinical social worker, as part of such continuing education, shall
40 complete not less than six hours of social worker safety awareness
41 training. If the applicant for first time licensure renewal has already taken
42 such training, as part of a previous level of social work licensure renewal,
43 then the applicant is not required to complete an additional six hours of

1 social worker safety training.

2 (c) The application for renewal shall be made on or before the date of
3 the expiration of the license or on or before the date of the termination of
4 the period of suspension.

5 (d) If the application for renewal, including payment of the required
6 renewal fee, is not made on or before the date of the expiration of the
7 license, the license is void, and no license shall be reinstated except upon
8 payment of the required renewal fee established under K.S.A. 65-6314,
9 and amendments thereto, plus a penalty equal to the renewal fee, and proof
10 satisfactory to the board of the completion of 40 hours of continuing
11 education within two years prior to application for reinstatement. Upon
12 receipt of such payment and proof, the board shall reinstate the license. A
13 license shall be reinstated under this subsection, upon receipt of such
14 payment and proof, at any time after the expiration of such license.

15 (e) In case of a lost or destroyed license, and upon satisfactory proof
16 of the loss or destruction thereof, the board may issue a duplicate license
17 and shall charge a fee as set forth in K.S.A. 65-6314, and amendments
18 thereto, for such duplicate license.

19 (f) *Within 30 days after any change of permanent address, a licensee*
20 *shall notify the board of such change.*

21 Sec. 10. K.S.A. 65-6314 is hereby amended to read as follows: 65-
22 6314. (a) The following fees ~~shall~~ *may* be established by the board ~~by rules~~
23 ~~and regulations~~ in accordance with the following limitations, *and any such*
24 *fees shall be established by rules and regulations adopted by the board:*

25 (1) Renewal or reinstatement fee for a license as a social work
26 associate shall be not more than \$150.

27 (2) Application, new license, reinstatement or renewal fee for a
28 license as a baccalaureate social worker shall be not more than \$150.

29 (3) Application, new license, reinstatement or renewal fee for a
30 license as master social worker shall be not more than \$150.

31 (4) Application, new license, reinstatement or renewal fee for a
32 license in a social work specialty shall be not more than \$150.

33 (5) ~~Examination fee for a license as a baccalaureate social worker, for~~
34 ~~a license as a master social worker or for a license in a social work~~
35 ~~specialty shall be not more than \$200. If an applicant fails an examination,~~
36 ~~such applicant may be admitted to subsequent examinations upon payment~~
37 ~~of an additional fee prescribed by the board of not more than \$200.~~

38 (6) ~~Replacement fee for reissuance of a license certificate due to loss~~
39 ~~or name change shall be not more than \$20.~~

40 (6) *Replacement fee for reissuance of a wallet card shall be not more*
41 *than \$5.*

42 (7) Temporary license fee for a baccalaureate social worker, master
43 social worker or a social work specialty shall be not more than \$50.

1 (8) Application fee for approval as board-approved continuing
2 education sponsors shall be as follows:

3 (A) Initial application fee for one year provisionally approved
4 providers shall be not more than \$125;

5 (B) three-year renewal fees for approved providers shall be not more
6 than \$350; and

7 (C) application fees for single program providers shall be not more
8 than \$50 for each separately offered continuing education activity for
9 which prior approval is sought.

10 (b) Fees paid to the board are not refundable.

11 ~~New Sec. 11. On and after July 1, 2017, all licensees providing~~
12 ~~postgraduate clinical supervision for those working toward clinical~~
13 ~~licensure must be board-approved clinical supervisors.~~

14 ~~(a) Applications for board-approved clinical supervisor shall be made~~
15 ~~to the board on a form and in the manner prescribed by the board. Each~~
16 ~~application shall be accompanied by the fee fixed under K.S.A. 65-6314,~~
17 ~~and amendments thereto.~~

18 ~~(b) Each applicant for board-approved clinical supervisor shall~~
19 ~~furnish evidence satisfactory to the board that the applicant:~~

20 ~~(1) Is currently licensed as a specialist clinical social worker;~~

21 ~~(2) has practiced as a specialist clinical social worker for two years~~
22 ~~beyond the supervisor's licensure date;~~

23 ~~(3) does not have any disciplinary action that would prohibit~~
24 ~~providing clinical supervision; and~~

25 ~~(4) (A) has completed the minimum number of semester hours of~~
26 ~~coursework related to the enhancement of supervision skills approved by~~
27 ~~the board; or~~

28 ~~(B) has completed the minimum number of continuing education~~
29 ~~hours related to the enhancement of supervision skills approved by the~~
30 ~~board.~~

31 ~~(e) Each board-approved clinical supervisor shall complete, as part of~~
32 ~~the continuing education required under K.S.A. 65-6313, and amendments~~
33 ~~thereto, at least three hours of continuing education related to the~~
34 ~~enhancement of supervisory skills, and at least one such hour must focus~~
35 ~~on ethics in supervision.~~

36 ~~New Sec. 12. II. K.S.A. 65-6301 through 65-6320, section 11, and~~
37 ~~this section, and amendments thereto, shall be known and may be cited as~~
38 ~~the social workers licensure act.~~

39 ~~Sec. 13. 12. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as~~
40 ~~follows: 65-6405. (a) A person who is waiting to take the examination~~
41 ~~required by the board may apply to the board for a temporary license to~~
42 ~~practice as a licensed marriage and family therapist by:~~

43 (1) ~~Paying an application fee of no more than \$150, as established by~~

1 *the board under K.S.A. 65-6411, and amendments thereto; and*

2 (2) meeting the application requirements as stated in ~~subsections (a)~~
3 ~~(1), (2) and (4) of K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and~~
4 ~~amendments thereto.~~

5 (b) (1) A temporary license may be issued by the board after the
6 application has been reviewed and approved by the board and the applicant
7 has paid the appropriate fee set by the board for issuance of new licenses.

8 (2) Absent extenuating circumstances approved by the board, a
9 temporary license issued by the board shall expire upon the date the board
10 issues or denies the person a license to practice marriage and family
11 therapy or 12 months after the date of issuance of the temporary license.

12 ~~(3) A temporary licensee shall take the license examination within six~~
13 ~~months subsequent to the date of issuance of the temporary license unless~~
14 ~~there are extenuating circumstances approved by the board or if the~~
15 ~~temporary licensee does not take the license examination within six~~
16 ~~months subsequent to the date of issuance of the temporary license and no~~
17 ~~extenuating circumstances have been approved by the board, the~~
18 ~~temporary license will expire after the first six months.~~

19 ~~(4) No temporary license will be renewed or issued again on any~~
20 ~~subsequent application for the same license level. The preceding provision~~
21 ~~in no way limits the number of times an applicant may take the~~
22 ~~examination.~~

23 (c) A person practicing marriage and family therapy with a temporary
24 license may not use the title "licensed marriage and family therapist" or the
25 initials "LMFT" independently. The word "licensed" may be used only
26 when followed by the words "by temporary license" such as licensed
27 marriage and family therapist by temporary license, or marriage and
28 family therapist, temporarily licensed.

29 (d) No person may practice marriage and family therapy under a
30 temporary license except under the supervision of a person licensed by the
31 behavioral sciences regulatory board at the independent level.

32 (e) Nothing in this section shall affect any temporary license to
33 practice issued under this section prior to the effective date of this act and
34 in effect on the effective date of this act. Such temporary license shall be
35 subject to the provisions of this section in effect at the time of its issuance
36 and shall continue to be effective until the date of expiration of the license
37 as provided under this section at the time of issuance of such temporary
38 license.

39 ~~Sec. 14. 13.~~ K.S.A. 2015 Supp. 65-6406 is hereby amended to read as
40 follows: 65-6406. (a) The board may issue a license to an individual who
41 is currently registered, certified or licensed to practice marriage and family
42 therapy in another jurisdiction if the board determines that:

43 (1) The standards for registration, certification or licensure to practice

1 marriage and family therapy in the other jurisdiction are substantially the
2 equivalent of the requirements of the marriage and family therapists
3 licensure act and rules and regulations of the board;

4 (2) the applicant demonstrates on forms provided by the board
5 compliance with the following standards as adopted by the board:

6 (A) ~~Continuous~~—Registration, certification or licensure to practice
7 marriage and family therapy ~~during the five years~~ *for at least 60 of the last*
8 *66 months* immediately preceding the application with at least the
9 minimum professional experience as established by rules and regulations
10 of the board;

11 (B) the absence of disciplinary actions of a serious nature brought by
12 a registration, certification or licensing board or agency; and

13 (C) completion of a ~~masters~~ *master's* degree in marriage and family
14 therapy from a regionally accredited university.

15 (b) Applicants for licensure as a clinical marriage and family therapist
16 shall additionally demonstrate competence to diagnose and treat mental
17 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
18 ~~of~~ subsection (a)(1) *or (a)(2)* and at least two of the following areas
19 acceptable to the board:

20 (1) Either graduate coursework as established by rules and
21 regulations of the board or passing a national clinical examination
22 approved by the board;

23 (2) three years of clinical practice with demonstrated experience in
24 diagnosing or treating mental disorders; or

25 (3) attestation from a professional licensed to diagnose and treat
26 mental disorders in independent practice or licensed to practice medicine
27 and surgery stating that the applicant is competent to diagnose and treat
28 mental disorders.

29 (c) An applicant for a license under this section shall pay an
30 application fee established by the board under K.S.A. 65-6411, and
31 amendments thereto, *if required by the board*.

32 ~~Sec. 14.~~ K.S.A. 65-6407 is hereby amended to read as follows:
33 65-6407. (a) An applicant who meets the requirements for licensure
34 pursuant to this act, has paid the license fee provided for by K.S.A. 65-
35 6411, and amendments thereto, and has otherwise complied with the
36 provisions of this act shall be licensed by the board.

37 (b) Licenses issued pursuant to this act shall expire 24 months from
38 the date of issuance unless revoked prior to that time. A license may be
39 renewed upon application and payment of the fee provided for by K.S.A.
40 65-6411, and amendments thereto. The application for renewal shall be
41 accompanied by evidence satisfactory to the board that the applicant has
42 completed during the previous 24 months the continuing education
43 required by rules and regulations of the board. As part of such continuing

1 education, the applicant shall complete not less than six continuing
2 education hours relating to diagnosis and treatment of mental disorders
3 and not less than three continuing education hours of professional ethics.

4 (c) A person whose license has been suspended or revoked may make
5 written application to the board requesting reinstatement of the license
6 upon termination of the period of suspension or revocation in a manner
7 prescribed by the board, which application shall be accompanied by the
8 fee provided for by K.S.A. 65-6411, and amendments thereto.

9 (d) *Within 30 days after any change of permanent address, a licensee
10 shall notify the board of such change.*

11 ~~Sec. 16. 15. K.S.A. 65-6408 is hereby amended to read as follows:
12 65-6408. The board may refuse to grant licensure to, or may suspend,
13 revoke, condition, limit, qualify or restrict the licensure of any individual
14 who the board, after a hearing, determines issue, renew or reinstate a
15 license, may condition, limit, revoke or suspend a license, may publicly or
16 privately censure a licensee or may impose a fine not to exceed \$1,000 per
17 violation upon a finding that a licensee or an applicant for license:~~

18 (1) ~~Is incompetent to practice marriage and family therapy, or is
19 found to engage in the practice of marriage and family therapy in a manner
20 harmful or dangerous to a client or to the public which means:~~

21 (A) ~~One or more instances involving failure to adhere to the
22 applicable standard of care to a degree that constitutes gross negligence,
23 as determined by the board;~~

24 (B) ~~repeated instances involving failure to adhere to the applicable
25 standard of care to a degree that constitutes ordinary negligence, as
26 determined by the board; or~~

27 (C) ~~a pattern of practice or other behavior that demonstrates a
28 manifest incapacity or incompetence to practice marriage and family
29 therapy;~~

30 (2) ~~is has been convicted by a court of competent jurisdiction of a
31 crime that the board determines is of a nature to render the convicted
32 person unfit to practice marriage and family therapy felony offense and
33 has not demonstrated to the board's satisfaction that such person has been
34 sufficiently rehabilitated to merit the public trust;~~

35 (3) ~~has been convicted of a misdemeanor against persons and has not
36 demonstrated to the board's satisfaction that such person has been
37 sufficiently rehabilitated to merit the public trust;~~

38 (4) ~~is currently listed on a child abuse registry or an adult protective
39 services registry as the result of a substantiated finding of abuse or neglect
40 by any state agency, agency of another state or the United States, territory
41 of the United States or another country and the applicant or licensee has
42 not demonstrated to the board's satisfaction that such person has been
43 sufficiently rehabilitated to merit the public trust;~~

1 ~~(3)~~ (5) has violated a provision of the marriage and family therapists
2 licensure act or one or more of the rules and regulations of the board;

3 ~~(4)~~ (6) has obtained or attempted to obtain a license or license
4 renewal by bribery or fraudulent representation;

5 ~~(5)~~ (7) has knowingly made a false statement on a form required by
6 the board for license or license renewal;

7 ~~(6)~~ (8) has failed to obtain continuing education credits required by
8 rules and regulations of the board;

9 ~~(7)~~ (9) has been found ~~guilty of~~ *to have engaged in* unprofessional
10 conduct as defined by *applicable* rules and regulations ~~established~~ *adopted*
11 by the board; or

12 ~~(8)~~ (10) has had a registration, license or certificate as a marriage and
13 family therapist revoked, suspended or limited, or has had other
14 disciplinary action taken, or an application for registration, license or
15 certificate denied, by the proper regulatory authority of another state,
16 territory, District of Columbia or another country, a certified copy of the
17 record of the action of the other jurisdiction being conclusive evidence
18 thereof.

19 **(b) For issuance of a new license or reinstatement of a revoked or**
20 **suspended license for a licensee or applicant for licensure with a felony**
21 **conviction, the board may only issue or reinstate such license by a ²/₃**
22 **majority vote.**

23 **(c) Administrative proceedings and disciplinary actions regarding**
24 **licensure under the marriage and family therapists licensure act shall be**
25 **conducted in accordance with the Kansas administrative procedure act.**
26 **Judicial review and civil enforcement of agency actions under the**
27 **marriage and family therapists licensure act shall be in accordance with**
28 **the Kansas judicial review act.**

29 ~~Sec. 17. 16.~~ K.S.A. 65-6411 is hereby amended to read as follows:
30 65-6411. (a) The board ~~shall may fix by rules and regulations and shall~~
31 ~~collect~~ the following fees, *and any such fees shall be established by rules*
32 *and regulations adopted by the board:*

33 (1) For application for licensure *as a marriage and family therapist,*
34 not to exceed \$150;

35 (2) for original licensure *as a marriage and family therapist,* not to
36 exceed \$175;

37 ~~(3) for examination, not to exceed \$275;~~

38 ~~(4) for renewal of a license for licensure as a marriage and family~~
39 *therapist,* not to exceed \$175;

40 ~~(5) (4) for application for licensure as a clinical marriage and family~~
41 *therapist,* not to exceed \$175;

42 ~~(5) for original licensure as a clinical marriage and family therapist,~~
43 *not to exceed \$175;*

1 (6) for renewal for licensure as a clinical marriage and family
2 therapist, not to exceed \$175;

3 (7) for reinstatement of a license, not to exceed \$175;

4 (8) for replacement of a license, not to exceed \$20; ~~and~~

5 (9) ~~for late charges, not to exceed \$5 for each 30 days of delay~~
6 ~~beyond the date the renewal application was to be made~~ *renewal penalty,*
7 *an amount equal to the renewal of license; and*

8 (10) *for a wallet card license, not to exceed \$5.*

9 (b) Fees paid to the board are not refundable.

10 New Sec. ~~18~~. **17.** On and after July 1, 2017, all licensees providing
11 postgraduate clinical supervision for those working toward clinical
12 licensure must be board-approved clinical supervisors.

13 (a) Applications for board-approved clinical supervisor shall be made
14 to the board on a form and in the manner prescribed by the board. Each
15 application shall be accompanied by the fee fixed under K.S.A. 65-6411,
16 and amendments thereto.

17 (b) Each applicant for board-approved clinical supervisor shall
18 furnish evidence satisfactory to the board that the applicant:

19 (1) (A) Is currently licensed as a clinical marriage and family
20 therapist and has practiced as a clinical marriage and family therapist for
21 two years beyond the supervisor's licensure date; or

22 (B) be a person who is licensed at the graduate level to practice in one
23 of the behavioral sciences, and whose authorized scope of practice permits
24 the diagnosis and treatment of mental disorders and shall have at least two
25 years of professional experience in the independent practice of clinical
26 marriage and family therapy beyond the date of licensure at this level;

27 (2) does not have any disciplinary action that would prohibit
28 providing clinical supervision; and

29 (3) (A) has completed the minimum number of semester hours of
30 coursework related to the enhancement of supervision skills approved by
31 the board; or

32 (B) has completed the minimum number of continuing education
33 hours related to the enhancement of supervision skills approved by the
34 board.

35 (c) Each board-approved clinical supervisor shall complete, as part of
36 the continuing education required under K.S.A. 65-6407, and amendments
37 thereto, at least three hours of continuing education related to the
38 enhancement of supervisory skills, and at least one such hour must focus
39 on ethics in supervision.

40 Sec. ~~19~~. **18.** K.S.A. 2015 Supp. 65-6607 is hereby amended to read as
41 follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and
42 amendments thereto, shall be known and may be cited as the ~~additions~~
43 *addiction* counselor licensure act.

1 Sec. ~~20~~ **19**. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as
2 follows: 65-6608. As used in the ~~addictions~~ addiction counselor licensure
3 act:

4 (a) "Board" means the behavioral sciences regulatory board created
5 under K.S.A. 74-7501, and amendments thereto.

6 (b) "Addiction counseling" means the utilization of special skills to
7 assist persons with addictions, and to assist such persons' families and
8 friends to achieve resolution of addiction through the exploration of the
9 disease and its ramifications, the examination of attitudes and feelings, the
10 consideration of alternative solutions and decision making, as these relate
11 specifically to addiction. Evaluation and assessment, treatment including
12 treatment plan development, crisis intervention, referral, record keeping
13 and clinical consultation specifically related to addiction are within the
14 scope of addiction counseling. Additionally, at the clinical level of
15 licensure, addiction counseling includes independent practice and the
16 diagnosis and treatment of substance use disorders.

17 (c) "Licensed addiction counselor" means a person who engages in
18 the practice of addiction counseling limited to substance use disorders and
19 who is licensed under this act. Such person shall engage in the practice of
20 addiction counseling in a state-licensed or certified alcohol and other drug
21 treatment program or in completing a Kansas domestic violence offender
22 assessment for participants in a certified batterer intervention program
23 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments
24 thereto, unless otherwise exempt for licensure under ~~subsection (m) of~~
25 K.S.A. 59-29b46(m), and amendments thereto.

26 (d) *"Licensed master's addiction counselor" means a person who*
27 *engages in the practice of addiction counseling limited to substance use*
28 *disorders and who is licensed under this act. Such person may diagnose*
29 *substance use disorders only under the direction of a licensed clinical*
30 *addiction counselor, a licensed psychologist, a person licensed to practice*
31 *medicine and surgery or a person licensed to provide mental health*
32 *services as an independent practitioner and whose licensure allows for the*
33 *diagnosis and treatment of substance abuse disorders or mental disorders.*

34 (e) "Licensed clinical addiction counselor" means a person who
35 engages in the independent practice of addiction counseling and diagnosis
36 and treatment of substance use disorders specified in the edition of the
37 American psychiatric association's diagnostic and statistical manual of
38 mental disorders (DSM) designated by the board by rules and regulations
39 and is licensed under this act.

40 Sec. ~~21~~ **20**. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as
41 follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall
42 engage in the practice of addiction counseling or represent that such
43 person is a licensed addiction counselor or is an addiction counselor or a

1 substance abuse counselor or an alcohol and drug counselor without
 2 having first obtained a license as an addiction counselor under the
 3 ~~additions~~ *addiction counselor licensure act.*

4 (b) *On and after September 1, 2016, no person shall engage in the*
 5 *practice of addiction counseling or represent that such person is a*
 6 *licensed master's addiction counselor, master's addiction counselor,*
 7 *master's substance abuse counselor or a master's alcohol and drug*
 8 *counselor without having first obtained a license as a master's addiction*
 9 *counselor under the addiction counselor licensure act.*

10 (c) ~~On and after September 1, 2011,~~ No person shall engage in the
 11 practice of addiction counseling as a clinical addiction counselor or
 12 represent that such person is a licensed clinical addiction counselor ~~or is,~~
 13 clinical addiction counselor ~~or,~~ a clinical substance abuse counselor or a
 14 clinical alcohol and drug counselor without having first obtained a license
 15 as a clinical addiction counselor under the addiction counselor licensure
 16 act.

17 ~~(e)~~ (d) Violation of this section is a class B misdemeanor.

18 ~~Sec. 22. 21.~~ K.S.A. 2015 Supp. 65-6610 is hereby amended to read as
 19 follows: 65-6610. (a) An applicant for licensure as an addiction counselor
 20 shall furnish evidence that the applicant:

21 (1) Has attained the age of 21; ~~and~~

22 (2) (A) has completed at least a baccalaureate degree from an
 23 addiction counseling program that is part of a college or university
 24 approved by the board; or

25 (B) has completed at least a baccalaureate degree from a college or
 26 university approved by the board ~~in a related field that includes.~~ *As part of*
 27 *or in addition to the baccalaureate degree coursework, such applicant*
 28 *shall also complete a minimum number of semester hours of coursework*
 29 *on substance use disorders as approved by the board; or*

30 (C) ~~has completed at least a baccalaureate degree from a college or~~
 31 ~~university approved by the board in a related field with additional~~
 32 ~~coursework in addiction counseling from a college or university approved~~
 33 ~~by the board, and such degree program and the additional coursework~~
 34 ~~includes a minimum number of semester hours of coursework on~~
 35 ~~substance use disorders as approved by the board; or~~

36 ~~(D)~~ is currently licensed in Kansas as a licensed baccalaureate social
 37 worker and has completed a minimum number of semester hours of
 38 coursework on substance use disorders as approved by the board; ~~or and~~

39 ~~(E)~~ is currently licensed in Kansas as a licensed master social worker,
 40 licensed professional counselor, licensed marriage and family therapist or
 41 licensed masters level psychologist; ~~and~~

42 (3) has passed an examination approved by the board; ~~and~~

43 (4) has satisfied the board that the applicant is a person who merits

1 the public trust; and

2 (5) ~~each applicant~~ has paid the application fee established by the
3 board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

4 (b) *Applications for licensure as a master's addiction counselor shall*
5 *be made to the board on a form and in the manner prescribed by the*
6 *board. Each applicant shall furnish evidence satisfactory to the board that*
7 *the applicant:*

8 (1) (A) *Has attained the age of 21;*

9 (B) (i) *has completed at least a master's degree from an addiction*
10 *counseling program that is part of a college or university approved by the*
11 *board;*

12 (ii) *has completed at least a master's degree from a college or*
13 *university approved by the board. As part of or in addition to the master's*
14 *degree coursework, such applicant shall also complete a minimum number*
15 *of semester hours of coursework supporting the diagnosis and treatment of*
16 *substance use disorders as approved by the board; and*

17 (C) *has passed an examination approved by the board;*

18 (D) *has satisfied the board that the applicant is a person who merits*
19 *the public trust; and*

20 (E) *has paid the application fee fixed under K.S.A. 2015 Supp. 65-*
21 *6618, and amendments thereto; or*

22 (2) (A) *has met the following requirements on or before July 1, 2016:*

23 (i) *holds an active license by the board as an addiction counselor;*
24 *and*

25 (ii) *has completed at least a master's degree in a related field from a*
26 *college or university approved by the board; and*

27 (B) *has completed six hours of continuing education in the diagnosis*
28 *and treatment of substance use disorders during the three years*
29 *immediately preceding the application date.*

30 (c) Applications for licensure as a clinical addiction counselor shall
31 be made to the board on a form and in the manner prescribed by the board.
32 Each applicant shall furnish evidence satisfactory to the board that the
33 applicant:

34 (1) Has attained the age of 21; and

35 (2) (A) (i) has completed at least a master's degree from an addiction
36 counseling program that is part of a college or university approved by the
37 board; and

38 (ii) has completed not less than two years of postgraduate supervised
39 professional experience in accordance with a clinical supervision plan
40 approved by the board of not less than 4,000 hours of supervised
41 professional experience including at least 1,500 hours of direct client
42 contact conducting substance abuse assessments and treatment with
43 individuals, couples, families or groups and not less than 150 hours of

1 clinical supervision, including not less than 50 hours of person-to-person
2 individual supervision, integrating diagnosis and treatment of substance
3 use disorders with use of the diagnostic and statistical manual of mental
4 disorders of the American psychiatric association; or has completed not
5 less than ~~two years~~ *one year* of postgraduate supervised professional
6 experience in accordance with a clinical supervision plan approved by the
7 board of not less than 2,000 hours of supervised professional experience
8 including at least 750 hours of direct client contact conducting substance
9 abuse assessments and treatment with individuals, couples, families or
10 groups and not less than 75 hours of clinical supervision, including not less
11 than 25 hours of person-to-person individual supervision, integrating
12 diagnosis and treatment of substance use disorders with use of the
13 diagnostic and statistical manual of mental disorders of the American
14 psychiatric association, and such person has a doctoral degree in addiction
15 counseling or a related field as approved by the board; or

16 (B) (i) has completed *at least* a master's degree from a college or
17 university approved by the board ~~in a related field that includes~~. *As part of*
18 *or in addition to the master's degree coursework, such applicant shall also*
19 *complete* a minimum number of semester hours of coursework supporting
20 the diagnosis and treatment of substance use disorders as approved by the
21 board; and

22 (ii) has completed not less than two years of postgraduate supervised
23 professional experience in accordance with a clinical supervision plan
24 approved by the board of not less than 4,000 hours of supervised
25 professional experience including at least 1,500 hours of direct client
26 contact conducting substance abuse assessments and treatment with
27 individuals, couples, families or groups and not less than 150 hours of
28 clinical supervision, including not less than 50 hours of person-to-person
29 individual supervision, integrating diagnosis and treatment of substance
30 use disorders with use of the diagnostic and statistical manual of mental
31 disorders of the American psychiatric association; or has completed not
32 less than ~~two years~~ *one year* of postgraduate supervised professional
33 experience in accordance with a clinical supervision plan approved by the
34 board of not less than 2,000 hours of supervised professional experience
35 including at least 750 hours of direct client contact conducting substance
36 abuse assessments and treatment with individuals, couples, families or
37 groups and not less than 75 hours of clinical supervision, including not less
38 than 25 hours of person-to-person individual supervision, integrating
39 diagnosis and treatment of substance use disorders with use of the
40 diagnostic and statistical manual of mental disorders of the American
41 psychiatric association, and such person has a doctoral degree in addiction
42 counseling or a related field as approved by the board; or

43 (C) (i) ~~has completed a master's degree from a college or university~~

1 approved by the board in a related field with additional coursework in
2 addiction counseling from a college or university approved by the board
3 and such degree program and additional coursework includes a minimum
4 number of semester hours of coursework supporting the diagnosis and
5 treatment of substance use disorders as approved by the board; and

6 (ii) ~~has completed not less than two years of postgraduate supervised~~
7 ~~professional experience in accordance with a clinical supervision plan~~
8 ~~approved by the board of not less than 4,000 hours of supervised~~
9 ~~professional experience including at least 1,500 hours of direct client~~
10 ~~contact conducting substance abuse assessments and treatment with~~
11 ~~individuals, couples, families or groups and not less than 150 hours of~~
12 ~~clinical supervision, including not less than 50 hours of person-to-person~~
13 ~~individual supervision, integrating diagnosis and treatment of substance~~
14 ~~use disorders with use of the diagnostic and statistical manual of mental~~
15 ~~disorders of the American psychiatric association; or has completed not~~
16 ~~less than two years of postgraduate supervised professional experience in~~
17 ~~accordance with a clinical supervision plan approved by the board of not~~
18 ~~less than 2,000 hours of supervised professional experience including at~~
19 ~~least 750 hours of direct client contact conducting substance abuse~~
20 ~~assessments and treatment with individuals, couples, families or groups~~
21 ~~and not less than 75 hours of clinical supervision, including not less than~~
22 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
23 ~~and treatment of substance use disorders with use of the diagnostic and~~
24 ~~statistical manual of mental disorders of the American psychiatric~~
25 ~~association, and such person has a doctoral degree in addiction counseling~~
26 ~~or a related field as approved by the board; or~~

27 ~~(D) (i) has completed a master's degree in a related field from a~~
28 ~~college or university approved by the board and is licensed by the board as~~
29 ~~a licensed *master's* addiction counselor; and~~

30 (ii) has completed not less than two years of postgraduate supervised
31 professional experience in accordance with a clinical supervision plan
32 approved by the board of not less than 4,000 hours of supervised
33 professional experience including at least 1,500 hours of direct client
34 contact conducting substance abuse assessments and treatment with
35 individuals, couples, families or groups and not less than 150 hours of
36 clinical supervision, including not less than 50 hours of person-to-person
37 individual supervision, integrating diagnosis and treatment of substance
38 use disorders with use of the diagnostic and statistical manual of mental
39 disorders of the American psychiatric association; or has completed not
40 less than ~~two years~~ *one year* of postgraduate supervised professional
41 experience in accordance with a clinical supervision plan approved by the
42 board of not less than 2,000 hours of supervised professional experience
43 including at least 750 hours of direct client contact conducting substance

1 abuse assessments and treatment with individuals, couples, families or
2 groups and not less than 75 hours of clinical supervision, including not less
3 than 25 hours of person-to-person individual supervision, integrating
4 diagnosis and treatment of substance use disorders with use of the
5 diagnostic and statistical manual of mental disorders of the American
6 psychiatric association, and such person has a doctoral degree in addiction
7 counseling or a related field as approved by the board; or

8 (E) is currently licensed in Kansas as a licensed psychologist,
9 licensed specialist clinical social worker, licensed clinical professional
10 counselor, licensed clinical psychotherapist or licensed clinical marriage
11 and family therapist and provides to the board an attestation from a
12 professional licensed to diagnose and treat mental disorders, or substance
13 use disorders, or both, in independent practice or licensed to practice
14 medicine and surgery stating that the applicant is competent to diagnose
15 and treat substance use disorders; and

16 (3) has passed an examination approved by the board; and

17 (4) has satisfied the board that the applicant is a person who merits
18 the public trust; and

19 (5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-
20 6618, and amendments thereto.

21 ~~(e)~~ (d) *Prior to July 1, 2017*, a person who was registered by the
22 behavioral sciences regulatory board as an alcohol and other drug
23 counselor or credentialed by the Kansas department for aging and
24 disability services as an alcohol and drug credentialed counselor or
25 credentialed by the Kansas association of addiction professionals as an
26 alcohol and other drug abuse counselor in Kansas at any time prior to the
27 effective date of this act, who was registered in Kansas as an alcohol and
28 other drug counselor, an alcohol and drug credentialed counselor or a
29 credentialed alcohol and other drug abuse counselor within three years
30 prior to the effective date of this act and whose last registration or
31 credential in Kansas prior to the effective date of this act was not
32 suspended or revoked, upon application to the board, payment of fees and
33 completion of applicable continuing education requirements, shall be
34 licensed as a licensed addiction counselor by providing demonstration
35 acceptable to the board of competence to perform the duties of an
36 addiction counselor.

37 ~~(e)~~ (e) *Prior to July 1, 2017*, any person who was registered by the
38 behavioral sciences regulatory board as an alcohol and other drug
39 counselor or credentialed by the department of social and rehabilitation
40 services as an alcohol and drug credentialed counselor or credentialed by
41 the Kansas association of addiction professionals as an alcohol and other
42 drug abuse counselor in Kansas at any time prior to the effective date of
43 this act, and who is also licensed to practice independently as a mental

1 health practitioner or person licensed to practice medicine and surgery, and
2 who was registered or credentialed in Kansas as an alcohol and other drug
3 counselor within three years prior to the effective date of this act and
4 whose last registration or credential in Kansas prior to the effective date of
5 this act was not suspended or revoked, upon application to the board,
6 payment of fees and completion of applicable continuing education
7 requirements, shall be licensed as a licensed clinical addiction counselor
8 and may engage in the independent practice of addiction counseling and is
9 authorized to diagnose and treat substance use disorders specified in the
10 edition of the diagnostic and statistical manual of mental disorders of the
11 American psychiatric association designated by the board by rules and
12 regulations.

13 ~~(e)~~ *(f)* Prior to July 1, 2017, any person who was credentialed by the
14 department of social and rehabilitation services as an alcohol and drug
15 counselor and has been actively engaged in the practice, supervision or
16 administration of addiction counseling in Kansas for not less than four
17 years and holds a master's degree in a related field from a college or
18 university approved by the board and whose last registration or credential
19 in Kansas prior to the effective date of this act was not suspended or
20 revoked, upon application to the board, payment of fees and completion of
21 applicable continuing education requirements, shall be licensed as a
22 clinical addiction counselor and may engage in the independent practice of
23 addiction counseling and is authorized to diagnose and treat substance use
24 disorders specified in the edition of the diagnostic and statistical manual of
25 mental disorders of the American psychiatric association designated by the
26 board by rules and regulations.

27 ~~(f)~~ ~~A licensed addiction counselor shall engage in the practice of~~
28 ~~addiction counseling only in a state licensed or certified alcohol and other~~
29 ~~drug treatment program, unless otherwise exempt from licensure under~~
30 ~~subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

31 ~~Sec. 23. 22.~~ K.S.A. 2015 Supp. 65-6611 is hereby amended to read as
32 follows: 65-6611. (a) A person who is waiting to take the examination for
33 licensure as an addiction counselor may apply to the board for a temporary
34 license to practice as a licensed addiction counselor by: (1) Paying an
35 application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-
36 6618, and amendments thereto; and (2) meeting the application
37 requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015~~
38 ~~Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

39 *(b) A person who is waiting to take the examination for licensure as a*
40 *master's addiction counselor may apply to the board for a temporary*
41 *license to practice as a licensed master's addiction counselor by: (1)*
42 *Paying an application fee for a temporary license fixed under K.S.A. 2015*
43 *Supp. 65-6618, and amendments thereto; and (2) meeting the application*

1 *requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)*
2 *(4), and amendments thereto.*

3 (c) (1) A temporary license may be issued by the board after the
4 application has been reviewed and approved by the board and the applicant
5 has paid the appropriate fee set by the board for issuance of new licenses.

6 (2) Absent extenuating circumstances approved by the board, a
7 temporary license issued by the board shall expire upon the date the board
8 issues or denies the person a license to practice addiction counseling or 12
9 months after the date of issuance of the temporary license.

10 (3) No temporary license will be renewed or issued again on any
11 subsequent application for the same license level. The preceding provision
12 in no way limits the number of times an applicant may take the
13 examination.

14 (e) (d) A person practicing addiction counseling with a temporary
15 license may not use the title "licensed addiction counselor" or "*licensed*
16 *master's addiction counselor*" or use the initials "LAC" or "LMAC"
17 independently. The word "licensed" may be used only when followed by
18 the words "by temporary license" such as licensed addiction counselor by
19 temporary license, or addiction counselor, temporarily licensed.

20 (d) (e) No person may practice addiction counseling under a
21 temporary license except in a licensed or certified alcohol and other drug
22 abuse program, under the direction of a person licensed by the behavioral
23 sciences regulatory board at the clinical level or a person licensed to
24 practice medicine and surgery.

25 (e) (f) Nothing in this section shall affect any temporary license to
26 practice issued under this section prior to the effective date of this act and
27 in effect on the effective date of this act. Such temporary license shall be
28 subject to the provisions of this section in effect at the time of its issuance
29 and shall continue to be effective until the date of expiration of the license
30 as provided under this section at the time of issuance of such license.

31 ~~Sec. 24. 23.~~ K.S.A. 2015 Supp. 65-6612 is hereby amended to read as
32 follows: 65-6612. (a) Upon written application and board approval, an
33 individual who is licensed to engage in the independent clinical practice of
34 addiction counseling at the clinical level in another jurisdiction and who is
35 in good standing in that other jurisdiction may engage in the independent
36 practice of clinical addiction counseling as provided by the ~~additions-~~
37 *addiction* counselor licensure act, in this state for not more than 15 days
38 per year upon receipt of a temporary permit to practice issued by the
39 board.

40 (b) Any clinical addiction counseling services rendered within any
41 24-hour period shall count as one entire day of clinical addiction
42 counseling services.

43 (c) The temporary permit to practice shall be effective on the date of

1 approval by the board and shall expire December 31 of that year. Upon
2 written application and for good cause shown, the board may extend the
3 temporary permit to practice no more than 15 additional days.

4 (d) The board shall charge a fee for a temporary permit to practice
5 and a fee for an extension of a temporary permit to practice as fixed under
6 K.S.A. 2015 Supp. 65-6618, and amendments thereto.

7 (e) A person who holds a temporary permit to practice clinical
8 addiction counseling in this state shall be deemed to have submitted to the
9 jurisdiction of the board and shall be bound by the statutes and regulations
10 that govern the practice of clinical addiction counseling in this state.

11 (f) In accordance with the Kansas administrative procedure act, the
12 board may issue a cease and desist order or assess a fine of up to \$1,000
13 per day, or both, against a person licensed in another jurisdiction who
14 engages in the independent practice of clinical addiction counseling in this
15 state without complying with the provisions of this section.

16 ~~Sec. 25. 24.~~ K.S.A. 2015 Supp. 65-6613 is hereby amended to read as
17 follows: 65-6613. (a) The board may issue a license to an individual who
18 is currently registered, certified or licensed to practice addiction
19 counseling in another jurisdiction if the board determines that:

20 (1) The standards for registration, certification or licensure to practice
21 addiction counseling in the other jurisdiction are substantially the
22 equivalent of the requirements of the ~~addictions~~ *addiction* counselor
23 licensure act and rules and regulations of the board; or

24 (2) the applicant demonstrates on forms provided by the board
25 compliance with the following standards as adopted by the board:

26 (A) ~~Continuous~~ Registration, certification or licensure to practice *as*
27 ~~an addiction counseling during the five years~~ *counselor for at least 60 of*
28 *the last 66 months* immediately preceding the application with at least the
29 minimum professional experience as established by rules and regulations
30 of the board; ~~and~~

31 (B) the absence of disciplinary actions of a serious nature brought by
32 a registration, certification or licensing board or agency; and

33 (C) completion of *at least* a baccalaureate ~~or master's degree in~~
34 ~~addiction counseling~~ from a college or university approved by the board ~~or~~
35 ~~completion of a baccalaureate or master's degree in a related field that~~
36 ~~includes all required addiction coursework.~~

37 (b) *The board may issue a license to an individual who is currently*
38 *registered, certified or licensed to practice addiction counseling at the*
39 *master's level in another jurisdiction if the board determines that:*

40 (1) (A) *The standards for registration, certification or licensure to*
41 *practice addiction counseling at the master's level in the other jurisdiction*
42 *are substantially the equivalent of the requirements of the addiction*
43 *counselor licensure act and rules and regulations of the board; and*

1 (B) completion of at least a master's degree from a college or
2 university approved by the board; or

3 (2) the applicant demonstrates on forms provided by the board
4 compliance with the following standards as adopted by the board:

5 (A) Registration, certification or licensure to practice addiction
6 counseling at the master's level for at least 60 of the last 66 months
7 immediately preceding the application with at least the minimum
8 professional experience as established by rules and regulations of the
9 board;

10 (B) the absence of disciplinary actions of a serious nature brought by
11 a registration, certification or licensing board or agency; and

12 (C) completion of at least a master's degree from a college or
13 university approved by the board.

14 (c) The board may issue a license to an individual who is currently
15 registered, certified or licensed to practice ~~clinical~~ addiction counseling at
16 the clinical level in another jurisdiction if the board determines that:

17 (1) (A) The standards for registration, certification or licensure to
18 practice ~~clinical~~ addiction counseling at the clinical level in the other
19 jurisdiction are substantially the equivalent of the requirements of the
20 ~~addictions~~ addiction counselor licensure act and rules and regulations of
21 the board; ~~or~~ and

22 (B) the applicant demonstrates completion of at least a master's
23 degree from a college or university approved by the board; or

24 (2) the applicant demonstrates on forms provided by the board
25 compliance with the following standards as adopted by the board:

26 (A) ~~Continuous~~ Registration, certification or licensure to practice
27 ~~clinical~~ addiction counseling ~~during the five years~~ at the clinical level for
28 at least 60 of the last 66 months immediately preceding the application
29 with at least the minimum professional experience as established by rules
30 and regulations of the board; ~~and~~

31 (B) the absence of disciplinary actions of a serious nature brought by
32 a registration, certification or licensing board or agency; ~~and~~

33 (C) ~~(i)~~ completion of at least a master's degree in ~~clinical~~ addiction
34 counseling from a college or university approved by the board; ~~or~~

35 ~~(ii)~~ completion of at least a master's degree from a college or
36 university approved by the board in a related field that includes a
37 minimum number of semester hours of coursework supporting the
38 diagnosis and treatment of substance use disorders as approved by the
39 board; ~~or~~

40 ~~(iii)~~ completion of at least a master's degree from a college or
41 university approved by the board in a related field with additional
42 coursework in addiction counseling from a college or university approved
43 by the board and such degree program and additional coursework includes

1 ~~a minimum number of semester hours of coursework supporting the~~
2 ~~diagnosis and treatment of substance use disorders as approved by the~~
3 ~~board; and~~

4 (D) at least two of the following areas acceptable to the board:

5 (i) Either coursework as established by rules and regulations of the
6 board or passing a national clinical examination approved by the board; ~~or~~

7 (ii) three years of clinical practice with demonstrated experience
8 supporting diagnosing or treating substance use disorders; or

9 (iii) attestation from a professional licensed to diagnose and treat
10 mental disorders, or substance use disorders, or both, in independent
11 practice or licensed to practice medicine and surgery stating that the
12 applicant is competent to diagnose and treat substance use disorders.

13 (e) (d) An applicant for a license under this section shall pay an
14 application fee established by the board under K.S.A. 2015 Supp. 65-6618,
15 and amendments thereto, *if required by the board*.

16 ~~Sec. 26. 25.~~ K.S.A. 2015 Supp. 65-6614 is hereby amended to read as
17 follows: 65-6614. (a) An applicant who meets the requirements for
18 licensure pursuant to this act, has paid the license fee provided for by
19 K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise
20 complied with the provisions of this act shall be licensed by the board.

21 (b) Licenses issued pursuant to this act shall expire 24 months from
22 the date of issuance unless revoked prior to that time. A license may be
23 renewed upon application and payment of the fee provided for by K.S.A.
24 2015 Supp. 65-6618, and amendments thereto. The application for renewal
25 shall be accompanied by evidence satisfactory to the board that the
26 applicant has completed during the previous 24 months the continuing
27 education required by rules and regulations of the board, *including not less*
28 *than three hours in ethics. In addition*, as part of such continuing
29 education, the *master's addiction counselor applicant and the* clinical
30 addiction counselor applicant shall complete not less than six continuing
31 education hours relating to diagnosis and treatment of substance use
32 disorders. ~~Both the clinical addiction counselor applicant and the addiction~~
33 ~~counselor applicant shall complete not less than three continuing education~~
34 ~~hours of professional ethics.~~

35 (c) A person whose license has been suspended or revoked may make
36 written application to the board requesting reinstatement of the license
37 upon termination of the period of suspension or revocation in a manner
38 prescribed by the board, which application shall be accompanied by the
39 fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

40 (d) *Within 30 days after any change of permanent address, a licensee*
41 *shall notify the board of such change.*

42 ~~Sec. 27. 26.~~ K.S.A. 2015 Supp. 65-6615 is hereby amended to read as
43 follows: 65-6615. (a) The board may refuse to ~~grant licensure to, or may~~

1 suspend, revoke, condition, limit, qualify or restrict the licensure issued
 2 under this act of any individual who the board, after the opportunity for a
 3 hearing, determines:

4 ~~(a)~~ issue, renew or reinstate a license, may condition, limit, revoke or
 5 suspend a license, may publicly or privately censure a licensee or may
 6 impose a fine not to exceed \$1,000 per violation upon a finding that a
 7 licensee or an applicant for license:

8 (1) Is incompetent to practice addiction counseling, ~~or is found to~~
 9 ~~engage in the practice of addiction counseling in a manner harmful or~~
 10 ~~dangerous to a client or to the public, which means:~~

11 (A) One or more instances involving failure to adhere to the
 12 applicable standard of care to a degree that constitutes gross negligence,
 13 as determined by the board;

14 (B) repeated instances involving failure to adhere to the applicable
 15 standard of care to a degree that constitutes ordinary negligence, as
 16 determined by the board; or

17 (C) a pattern of practice or other behavior that demonstrates a
 18 manifest incapacity or incompetence to practice addiction counseling;

19 ~~(b)~~ (2) ~~is has been convicted by a court of competent jurisdiction of a~~
 20 ~~felony, misdemeanor crimes against persons or substantiation of abuse~~
 21 ~~against a child, adult or resident of a care facility, even if not practice~~
 22 ~~related offense and has not demonstrated to the board's satisfaction that~~
 23 ~~such person has been sufficiently rehabilitated to merit the public trust;~~

24 (3) has been convicted of a misdemeanor against persons and has not
 25 demonstrated to the board's satisfaction that such person has been
 26 sufficiently rehabilitated to merit the public trust;

27 (4) is currently listed on a child abuse registry or an adult protective
 28 services registry as the result of a substantiated finding of abuse or neglect
 29 by any state agency, agency of another state or the United States, territory
 30 of the United States or another country and the applicant or licensee has
 31 not demonstrated to the board's satisfaction that such person has been
 32 sufficiently rehabilitated to merit the public trust;

33 ~~(e)~~ (5) has violated a provision of the ~~addictions~~ addiction counselor
 34 licensure act or one or more of the rules and regulations of the board;

35 ~~(d)~~ (6) has obtained or attempted to obtain a license or license
 36 renewal by bribery or fraudulent representation;

37 ~~(e)~~ (7) has knowingly made a false statement on a form required by
 38 the board for license or license renewal;

39 ~~(f)~~ (8) has failed to obtain continuing education credits required by
 40 rules and regulations of the board;

41 ~~(g)~~ (9) has been found ~~guilty of~~ *to have engaged in* unprofessional
 42 conduct as defined by *applicable* rules and regulations ~~established~~ *adopted*
 43 by the board; or

1 ~~(h)~~ (10) has had a registration, license or certificate as an addiction
2 counselor revoked, suspended or limited, or has had other disciplinary
3 action taken, or an application for registration, license or certificate denied,
4 by the proper regulatory authority of another state, territory, District of
5 Columbia or another country, a certified copy of the record of the action of
6 the other jurisdiction being conclusive evidence thereof.

7 (b) ***For issuance of a new license or reinstatement of a revoked or***
8 ***suspended license for a licensee or applicant for licensure with a felony***
9 ***conviction, the board may only issue or reinstate such license by a 2/3***
10 ***majority vote.***

11 (c) *Administrative proceedings and disciplinary actions regarding*
12 *licensure under the addiction counselor licensure act shall be conducted*
13 *in accordance with the Kansas administrative procedure act. Judicial*
14 *review and civil enforcement of agency actions under the addiction*
15 *counselor licensure act shall be in accordance with the Kansas judicial*
16 *review act.*

17 Sec. ~~28.~~ 27. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as
18 follows: 65-6616. Nothing in the ~~addiction~~ addiction counselor licensure
19 act shall be construed:

20 (a) To prevent addiction counseling practice by students or interns or
21 individuals preparing for the practice of addiction counseling to practice
22 under qualified supervision of a professional, recognized and approved by
23 the board, in an educational institution or agency so long as they are
24 designated by titles such as "student," "trainee," "intern" or other titles
25 clearly indicating training status;

26 (b) to authorize the practice of psychology, medicine and surgery,
27 professional counseling, marriage and family therapy, master's level
28 psychology or social work or other professions licensed by the behavioral
29 sciences regulatory board;

30 (c) to apply to the activities and services of a rabbi, priest, minister,
31 clergy person or organized ministry of any religious denomination or sect,
32 including a Christian-Science practitioner, unless such person or individual
33 who is a part of the organized ministry is a licensed addiction counselor;

34 (d) to apply to the activities and services of qualified members of
35 other professional groups including, but not limited to, attorneys,
36 physicians, psychologists, master's level psychologists, marriage and
37 family therapists, professional counselors, or other professions licensed by
38 the behavioral sciences regulatory board, registered nurses or social
39 workers performing services consistent with the laws of this state, their
40 training and the code of ethics of their profession, so long as they do not
41 represent themselves as being an addiction counselor; or

42 (e) to prevent qualified persons from doing work within the standards
43 and ethics of their respective professions and callings provided they do not

1 hold themselves out to the public by any title or description of services as
2 being an addiction counselor.

3 Sec. ~~29.~~ **28.** K.S.A. 2015 Supp. 65-6617 is hereby amended to read as
4 follows: 65-6617. (a) A person licensed under the ~~additions~~ *addiction*
5 counselor licensure act and employees and professional associates of the
6 person shall not be required to disclose any information that the person,
7 employee or associate may have acquired in rendering addiction
8 counseling services, unless:

9 (1) Disclosure is required by other state laws;

10 (2) failure to disclose the information presents a clear and present
11 danger to the health or safety of an individual;

12 (3) the person, employee or associate is a party defendant to a civil,
13 criminal or disciplinary action arising from the therapy, in which case a
14 waiver of the privilege accorded by this section is limited to that action;

15 (4) the client is a defendant in a criminal proceeding and the use of
16 the privilege would violate the defendant's right to a compulsory process
17 or the right to present testimony and witnesses in that person's behalf; or

18 (5) a client agrees to a waiver of the privilege accorded by this
19 section, and in circumstances where more than one person in a family is
20 receiving therapy, each such family member agrees to the waiver. Absent a
21 waiver from each family member, an addiction counselor shall not disclose
22 information received from a family member.

23 (b) Nothing in this section or in this act shall be construed to prohibit
24 any person licensed under the ~~additions~~ *addiction* counselor licensure act
25 from testifying in court hearings concerning matters of adult abuse,
26 adoption, child abuse, child neglect or other matters pertaining to the
27 welfare of children or from seeking collaboration or consultation with
28 professional colleagues or administrative superiors, or both, on behalf of a
29 client. There is no privilege under this section for information which is
30 required to be reported to a public official.

31 Sec. ~~30.~~ **29.** K.S.A. 2015 Supp. 65-6618 is hereby amended to read as
32 follows: 65-6618. (a) The board ~~shall may fix by rules and regulations and~~
33 ~~shall collect~~ the following fees, *and any such fees shall be established by*
34 *rules and regulations adopted by the board:*

35 (1) For application for licensure as an addiction counselor, not to
36 exceed \$150;

37 (2) for original licensure as an addiction counselor, not to exceed
38 \$150;

39 (3) for renewal ~~of a license for licensure~~ as an addiction counselor,
40 not to exceed \$150;

41 (4) for a temporary license ~~as an addiction counselor~~, not to exceed
42 \$100;

43 (5) *for application for licensure as a master's addiction counselor;*

1 *not to exceed \$150,*

2 *(6) for original licensure as a master's addiction counselor, not to*
 3 *exceed \$150;*

4 *(7) for renewal for licensure as a master's addiction counselor, not to*
 5 *exceed \$150;*

6 *(8) for application for licensure as a clinical addiction counselor, not*
 7 *to exceed \$150;*

8 ~~(6)~~ *(9) for original licensure as a clinical addiction counselor, not to*
 9 *exceed \$150;*

10 ~~(7)~~ *(10) for renewal for licensure as a clinical addiction counselor, not*
 11 *to exceed \$150;*

12 ~~(8)~~ *(11) for a temporary permit to practice clinical addiction*
 13 *counseling, not to exceed \$200;*

14 ~~(9)~~ *(12) for extension of a temporary permit to practice clinical*
 15 *addiction counseling, not to exceed \$200;*

16 ~~(10)~~ *(13) for reinstatement of a license, not to exceed \$150;*

17 ~~(11)~~ *(14) for replacement of a license, not to exceed \$20; and*

18 ~~(12)~~ *(15) for late renewal penalty, an amount equal to the fee for*
 19 *renewal; and*

20 *(16) for a wallet license, not more than \$5.*

21 (b) The board shall require that fees paid for any examination under
 22 the ~~addictions~~ *addiction* counselor licensure act be paid directly to the
 23 examination services by the person taking the examination.

24 (c) Fees paid to the board are not refundable.

25 ~~Sec. 31.~~ **30.** K.S.A. 2015 Supp. 65-6620 is hereby amended to read as
 26 follows: 65-6620. A licensee under the ~~addictions~~ *addiction* counselor
 27 licensure act, at the beginning of a client-therapist relationship, shall
 28 inform the client of the level of such licensee's training and the title or
 29 titles and license or licenses of such licensee. As a part of such obligation,
 30 such licensee shall disclose whether such licensee has a baccalaureate,
 31 master's degree or a doctoral degree. If such licensee has a doctoral degree,
 32 such licensee shall disclose whether or not such doctoral degree is a doctor
 33 of medicine degree or some other doctoral degree. If such licensee does
 34 not have a medical doctor's degree, such licensee shall disclose that the
 35 licensee is not authorized to practice medicine and surgery and is not
 36 authorized to prescribe drugs. As a part of such disclosure, such licensee
 37 shall advise the client that certain mental disorders can have medical or
 38 biological origins, and that the client should consult with a physician.
 39 Documentation of such disclosures to a client shall be made in the client's
 40 record.

41 ~~Sec. 32.~~ **31.** K.S.A. 2015 Supp. 74-5310 is hereby amended to read as
 42 follows: 74-5310. (a) The board shall issue a license as a psychologist to
 43 any person who pays an application fee prescribed by the board, *if*

1 *required by the board*, not in excess of \$225 and, *if required by the board*,
2 an original license fee not in excess of \$150, which shall not be refunded,
3 who either satisfies the board as to such person's training and experience
4 after a thorough review of such person's credentials and who passes a
5 satisfactory examination in psychology. Any person paying the fee must
6 also submit evidence verified by oath and satisfactory to the board that
7 such person:

8 (1) Is at least 21 years of age;

9 (2) is of good moral character;

10 (3) has received the doctor's degree based on a program of studies in
11 content primarily psychological from an educational institution having a
12 graduate program with standards consistent with those of the state
13 universities of Kansas, or the substantial equivalent of such program in
14 both subject matter and extent of training; and

15 (4) has had at least two years of supervised experience, a significant
16 portion of which shall have been spent in rendering psychological services
17 satisfying the board's approved standards for the psychological service
18 concerned.

19 (b) The board shall adopt rules and regulations establishing the
20 criteria which an educational institution shall satisfy in meeting the
21 requirements established under ~~item (3)~~ of subsection (a)(3). The board
22 may send a questionnaire developed by the board to any educational
23 institution for which the board does not have sufficient information to
24 determine whether the educational institution meets the requirements of
25 ~~item (3)~~ of subsection (a)(3) and rules and regulations adopted under this
26 section. The questionnaire providing the necessary information shall be
27 completed and returned to the board in order for the educational institution
28 to be considered for approval. The board may contract with investigative
29 agencies, commissions or consultants to assist the board in obtaining
30 information about educational institutions. In entering such contracts the
31 authority to approve educational institutions shall remain solely with the
32 board.

33 ~~Sec. 32.~~ 32. K.S.A. 74-5311 is hereby amended to read as follows:
34 74-5311. ~~Examinations for applicants under this act shall be held by the~~
35 ~~board from time to time but not less than once each year.~~ The board shall
36 adopt rules and regulations governing the subject, scope; and form of ~~the~~
37 ~~examinations for applicants under this act~~ or shall contract with a national
38 testing service to provide an examination approved by the board. ~~The~~
39 ~~board shall prescribe an initial examination fee not to exceed \$350. If an~~
40 ~~applicant fails the first examination, such applicant may be admitted to any~~
41 ~~subsequent examination upon payment of an additional fee prescribed by~~
42 ~~the board not to exceed \$350. The examination fees prescribed by the~~
43 ~~board under this section shall be fixed by rules and regulations of the~~

1 ~~board.~~

2 Sec. ~~34.~~ **33.** K.S.A. 2015 Supp. 74-5315 is hereby amended to read as
3 follows: 74-5315. (a) The board may grant a license to any person who, at
4 the time of application, is registered, certified or licensed as a psychologist
5 at the doctoral level in another jurisdiction if the board determines that:

6 (1) The requirements of such jurisdiction for such certification or
7 licensure are substantially the equivalent of the requirements of this state;
8 or

9 (2) the applicant demonstrates on forms provided by the board
10 compliance with the following standards as adopted by the board:

11 (A) ~~Continuous~~—Registration, certification or licensure as a
12 psychologist at the doctoral level ~~during the five years~~ *for at least 60 of*
13 *the last 66 months* immediately preceding the application with at least the
14 minimum professional experience as established by rules and regulations
15 of the board;

16 (B) the absence of disciplinary actions of a serious nature brought by
17 a registration, certification or licensing board or agency; and

18 (C) a doctoral degree in psychology from a regionally accredited
19 university or college.

20 (b) An applicant for a license under this section shall pay an
21 application fee established by the board under K.S.A. 74-5310, and
22 amendments thereto, *if required by the board.*

23 Sec. ~~35.~~ **34.** K.S.A. 2015 Supp. 74-5316 is hereby amended to read as
24 follows: 74-5316. (a) Upon application, the board may issue temporary
25 licenses to persons who have met all qualifications for licensure under
26 provisions of the licensure of psychologists act of the state of Kansas,
27 except passage of the required examination, pursuant to K.S.A. 74-5310,
28 and amendments thereto, who must wait for completion of the next
29 examination, who have paid the required application, examination and
30 temporary license fees and who have submitted documentation as required
31 by the board, under the following:

32 (1) ~~The temporary license shall expire upon receipt and recording of~~
33 ~~the temporary licensee's second examination score by the board if such~~
34 ~~temporary licensee fails the examination after two attempts or upon the~~
35 ~~date the board issues or denies the temporary licensee a license to practice~~
36 ~~psychology if such temporary licensee passes the examination;~~

37 (2) ~~Such temporary licensee shall take the next license examination~~
38 ~~subsequent to the date of issuance of the temporary license unless there are~~
39 ~~extenuating circumstances approved by the board;~~

40 (3) (2) the board shall adopt rules and regulations prescribing
41 continuing education requirements for temporary licensees, including, but
42 not limited to, a requirement that temporary licensees shall complete a
43 minimum of 25 contact hours of continuing education during the two-year

1 period of temporary licensure, which shall include a minimum of three
2 hours in psychology ethics;

3 ~~(4)~~ (3) no person may work under a temporary license except under
4 the supervision of a licensed psychologist as prescribed in rules and
5 regulations adopted by the board; and

6 ~~(5)~~ (4) the fee for such temporary license ~~shall may~~ be fixed ~~by rules~~
7 ~~and regulations adopted~~ by the board and shall not exceed \$200, *and any*
8 *such fee shall be established by rules and regulations adopted by the*
9 *board.*

10 (b) Upon application, the board may issue temporary licenses not to
11 exceed two years to persons who have *completed all requirements for a*
12 *doctoral degree approved by the board but have not received such degree*
13 *conferral or who have met all qualifications for licensure under provisions*
14 *of such act, except completion of the postdoctoral supervised work*
15 *experience pursuant to* ~~subsection (a)(4) of K.S.A. 74-5310(a)(4),~~ and
16 amendments thereto, who have paid the required application and
17 temporary license fees and who have submitted documentation as required
18 by the board, under the following:

19 (1) The temporary license shall expire at the end of the two-year
20 period after issuance or if such temporary licensee is denied a license to
21 practice psychology;

22 (2) the temporary license may be renewed for one additional two-year
23 period after expiration;

24 (3) temporary licensees shall take the license examination pursuant to
25 ~~subsection (a)(4) of K.S.A. 74-5310(a)(4),~~ and amendments thereto,
26 subsequent to the date of issuance and prior to expiration of the temporary
27 license unless there are extenuating circumstances approved by the board;

28 (4) temporary licensees shall be working toward the completion of
29 the postdoctoral supervised work experience prescribed in ~~subsection (a)~~
30 ~~(4) of K.S.A. 74-5310(a)(4),~~ and amendments thereto;

31 (5) the board shall adopt rules and regulations prescribing continuing
32 education requirements for temporary licensees, including, but not limited to,
33 a requirement that temporary licensees shall complete a minimum of 25
34 contact hours of continuing education during the two-year period of
35 temporary licensure, which shall include a minimum of three hours in
36 psychology ethics;

37 (6) no temporary licensee may work under a temporary license except
38 under the supervision of a licensed psychologist as prescribed in rules and
39 regulations adopted by the board; and

40 (7) the fee for a renewal of the temporary license ~~shall may~~ be fixed
41 ~~by rules and regulations adopted~~ by the board and shall not exceed \$200
42 per issuance, *and any such fee shall be established by rules and*
43 *regulations adopted by the board.*

1 (c) A person practicing psychology with a temporary license may not
2 use the title "licensed psychologist" or the initials "LP" independently.
3 The word "licensed" may be used only when preceded by the word
4 "temporary" such as temporary licensed psychologist, or the initials "TLP."

5 (d) This section shall be part of and supplemental to the provisions of
6 article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments
7 thereto.

8 (e) As used in this section, "temporary licensee" means any person
9 practicing psychology with a temporary license pursuant to subsection (b)
10 or (c) ~~of this section~~.

11 ~~Sec. 36. 35.~~ K.S.A. 74-5318 is hereby amended to read as follows:
12 74-5318. ~~On or before the first day of April of alternate years, the board~~
13 ~~shall mail to every psychologist licensed in Kansas an application blank~~
14 ~~for renewal, which shall contain space for insertion of information as~~
15 ~~required for the application blank under K.S.A. 74-5317 and amendments~~
16 ~~thereto, addressing the same to the post office address given at the last~~
17 ~~previous renewal. In addition, The~~ (a) An application for renewal shall be
18 accompanied by evidence satisfactory to the board that the applicant has
19 completed, during the previous 24 months, the continuing education
20 required by rules and regulations of the board. As part of such continuing
21 education, a licensed psychologist shall complete not less than six
22 continuing education hours relating to diagnosis and treatment of mental
23 disorders and not less than three continuing education hours of
24 professional ethics.

25 (b) *A licensee shall submit the application to the board with a*
26 *renewal fee fixed by rules and regulations of the board not to exceed \$200.*
27 *Upon receipt of such application and fee, the board shall issue a renewal*
28 *license for the period commencing on the date on which the license is*
29 *issued and expiring on June 30 of the next even-numbered year. Initial*
30 *licenses shall be for the current biennium of registration.*

31 (c) *Applications for renewal of a license shall be made biennially on*
32 *or before July 1 and, if not so made, an additional fee equal to the renewal*
33 *fee shall be added to the regular renewal fee.*

34 (d) *Any psychologist who has failed to renew a license and continues*
35 *to represent oneself as a psychologist after July 1 shall be in violation of*
36 *the licensure of psychologists act of the state of Kansas. The board may*
37 *suspend or revoke such psychologist's license under the provisions of*
38 *K.S.A. 74-5324, and amendments thereto.*

39 (e) *Within 30 days after any change of permanent address, a licensee*
40 *shall notify the board of such change.*

41 ~~Sec. 37. 36.~~ K.S.A. 2015 Supp. 74-5324 is hereby amended to read as
42 follows: 74-5324. (a) ~~The board may suspend, limit, revoke, condition or~~
43 ~~refuse to issue or renew a license of any psychologist upon proof that the~~

1 ~~psychologist: (a) Has been convicted of a felony involving moral~~
2 ~~turpitude; or (b) has been guilty of fraud or deceit in connection with~~
3 ~~services rendered as a psychologist or in establishing qualifications under~~
4 ~~this act; or (c) has aided or abetted a person, not a licensed psychologist, in~~
5 ~~representing such person as a psychologist in this state; or (d) has been~~
6 ~~guilty of unprofessional conduct as defined by rules and regulations~~
7 ~~established by the board; or (e) has been guilty of negligence or wrongful~~
8 ~~actions in the performance of duties; or (f) has knowingly submitted a~~
9 ~~misleading, deceptive, untrue or fraudulent misrepresentation on a claim~~
10 ~~form, bill or statement or (g) refuse to issue, renew or reinstate a license,~~
11 ~~may condition, limit, revoke or suspend a license, may publicly or~~
12 ~~privately censure a licensee or may impose a fine not to exceed \$1,000 per~~
13 ~~violation upon a finding that a licensee or an applicant for a license:~~

14 *(1) Is incompetent to practice psychology, which means:*

15 *(A) One or more instances involving failure to adhere to the*
16 *applicable standard of care to a degree that constitutes gross negligence,*
17 *as determined by the board;*

18 *(B) repeated instances involving failure to adhere to the applicable*
19 *standard of care to a degree that constitutes ordinary negligence, as*
20 *determined by the board; or*

21 *(C) a pattern of practice or other behavior that demonstrates a*
22 *manifest incapacity or incompetence to practice psychology;*

23 *(2) has been convicted of a felony offense and has not demonstrated*
24 *to the board's satisfaction that such person has been sufficiently*
25 *rehabilitated to merit the public trust;*

26 *(3) has been convicted of a misdemeanor against persons and has not*
27 *demonstrated to the board's satisfaction that such person has been*
28 *sufficiently rehabilitated to merit the public trust;*

29 *(4) is currently listed on a child abuse registry or an adult protective*
30 *services registry as the result of a substantiated finding of abuse or neglect*
31 *by any state agency, agency of another state or the United States, territory*
32 *of the United States or another country and the applicant or licensee has*
33 *not demonstrated to the board's satisfaction that such person has been*
34 *sufficiently rehabilitated to merit the public trust;*

35 *(5) has violated a provision of the licensure of psychologists act of*
36 *the state of Kansas or one or more rules and regulations of the board;*

37 *(6) has obtained or attempted to obtain a license or license renewal*
38 *by bribery or fraudulent representation;*

39 *(7) has knowingly made a false statement on a form required by the*
40 *board for a license or license renewal;*

41 *(8) has failed to obtain continuing education credits as required by*
42 *rules and regulations of the board;*

43 *(9) has been found to have engaged in unprofessional conduct as*

1 *defined by applicable rules and regulations adopted by the board; or*

2 (10) has had a registration, license or certificate as a psychologist
3 revoked, suspended or limited, or has had other disciplinary action taken,
4 or an application for registration, license or certificate denied, by the
5 proper regulatory authority of another state, territory, District of Columbia
6 or another country, a certified copy of the record of the action of the other
7 jurisdiction being conclusive evidence thereof.

8 (b) ***For issuance of a new license or reinstatement of a revoked or***
9 ***suspended license for a licensee or applicant for licensure with a felony***
10 ***conviction, the board may only issue or reinstate such license by a ²/₃***
11 ***majority vote.***

12 (c) *Administrative proceedings and disciplinary actions regarding*
13 *licensure under the licensure of psychologists act of the state of Kansas*
14 *shall be conducted in accordance with the Kansas administrative*
15 *procedure act. Judicial review and civil enforcement of agency actions*
16 *under the licensure of psychologists of the state of Kansas act shall be in*
17 *accordance with the Kansas judicial review act.*

18 Sec. ~~38~~ 37. K.S.A. 74-5361 is hereby amended to read as follows:
19 74-5361. As used in this act:

20 (a) "Practice of psychology" shall have the meaning ascribed thereto
21 in K.S.A. 74-5302 and amendments thereto.

22 (b) "Board" means the behavioral sciences regulatory board created
23 by K.S.A. 74-7501 and amendments thereto.

24 (c) "~~Licensed masters~~ *master's level psychologist*" means a person
25 licensed by the board under the provisions of this act.

26 (d) "Licensed clinical psychotherapist" means a person licensed by
27 the board under this act who engages in the independent practice of
28 ~~masters master's level~~ *psychology* including the diagnosis and treatment of
29 mental disorders specified in the edition of the diagnostic and statistical
30 manual of mental disorders of the American psychiatric association
31 designated by the board by rules and regulations.

32 (e) "~~Masters~~ *Master's level psychology*" means the practice of
33 psychology pursuant to the restrictions set out in K.S.A. 74-5362 and
34 amendments thereto and includes the diagnosis and treatment of mental
35 disorders as authorized under K.S.A. 74-5361 et seq., *and amendments*
36 *thereto.*

37 Sec. ~~39~~ 38. K.S.A. 74-5362 is hereby amended to read as follows:
38 74-5362. (a) Any person who is licensed under the provisions of this act as
39 a licensed ~~masters master's level~~ *psychologist* shall have the right to
40 practice psychology ~~only insofar as such practice is part of the duties of~~
41 ~~such person's paid position and is performed solely on behalf of the~~
42 ~~employer,~~ so long as such practice is under the direction of a licensed
43 clinical psychotherapist, a licensed psychologist, a person licensed to

1 practice medicine and surgery or a person licensed to provide mental
2 health services as an independent practitioner and whose licensure allows
3 for the diagnosis and treatment of mental disorders. When a client has
4 symptoms of a mental disorder, a ~~licensed masters level psychologist~~
5 *licensee under the licensure of master's level psychologists act* shall
6 consult with the client's primary care physician or psychiatrist to determine
7 if there may be a medical condition or medication that may be causing or
8 contributing to the client's symptoms of a mental disorder. A client may
9 request in writing that such consultation be waived and such request shall
10 be made a part of the client's record. A ~~licensed masters~~ *master's* level
11 psychologist may continue to evaluate and treat the client until such time
12 that the medical consultation is obtained or waived.

13 (b) A ~~licensed masters~~ *master's* level psychologist may use the title
14 ~~licensed masters~~ *master's* level psychologist and the abbreviation LMLP
15 but may not use the title licensed psychologist or psychologist. A licensed
16 clinical psychotherapist may use the title licensed clinical psychotherapist
17 and the abbreviation LCP but may not use the title licensed psychologist or
18 psychologist.

19 ~~Sec. 40.~~ **39.** K.S.A. 74-5363 is hereby amended to read as follows:
20 74-5363. (a) Any person who desires to be licensed under this act shall
21 apply to the board in writing, on forms prepared and furnished by the
22 board. Each application shall contain appropriate documentation of the
23 particular qualifications required by the board and shall be accompanied
24 by the required fee.

25 (b) The board shall license as a ~~licensed masters~~ *master's* level
26 psychologist any applicant for licensure who pays the fee prescribed by the
27 board under K.S.A. 74-5365, and amendments thereto, which shall not be
28 refunded, who has satisfied the board as to such applicant's training and
29 who complies with the provisions of this subsection ~~(b)~~. An applicant for
30 licensure also shall submit evidence ~~verified under oath and~~ satisfactory to
31 the board that such applicant:

32 (1) Is at least 21 years of age;

33 (2) has satisfied the board that the applicant is a person who merits
34 public trust;

35 (3) has received at least 60 graduate hours including a master's degree
36 in psychology based on a program of studies in psychology from an
37 educational institution having a graduate program in psychology consistent
38 with state universities of Kansas; or until July 1, 2003, has received at least
39 a master's degree in psychology and during such master's or post-master's
40 coursework completed a minimum of 12 semester hours or its equivalent
41 in psychological foundation courses such as, but not limited to, philosophy
42 of psychology, psychology of perception, learning theory, history of
43 psychology, motivation, and statistics and 24 semester hours or its

1 equivalent in professional core courses such as, but not limited to, two
2 courses in psychological testing, psychopathology, two courses in
3 psychotherapy, personality theories, developmental psychology, research
4 methods, social psychology; or has passed comprehensive examinations or
5 equivalent final examinations in a doctoral program in psychology and
6 during such graduate program completed a minimum of 12 semester hours
7 or its equivalent in psychological foundation courses such as, but not
8 limited to, philosophy of psychology, psychology of perception, learning
9 theory, history of psychology, motivation, and statistics and 24 semester
10 hours or its equivalent in professional core courses such as, but not limited
11 to, two courses in psychological testing, psychopathology, two courses in
12 psychotherapy, personality theories, developmental psychology, research
13 methods, social psychology;

14 (4) has completed 750 clock hours of academically supervised
15 practicum in the master's degree program or 1,500 clock hours of
16 postgraduate supervised work experience;

17 (5) has passed an examination approved by the board with a
18 minimum score set by the board by rules and regulations ~~at 10 percentage~~
19 ~~points below the score set by the board for licensed psychologists.~~

20 (c) (1) Applications for licensure as a clinical psychotherapist shall be
21 made to the board on a form and in the manner prescribed by the board.
22 Each applicant shall furnish evidence satisfactory to the board that the
23 applicant:

24 (A) Is licensed by the board as a licensed ~~masters~~ *master's* level
25 psychologist or meets all requirements for licensure as a ~~masters~~ *master's*
26 level psychologist;

27 (B) has completed 15 credit hours as part of or in addition to the
28 requirements under subsection (b) supporting diagnosis or treatment of
29 mental disorders with use of the American psychiatric association's
30 diagnostic and statistical manual, through identifiable study of ~~the~~
31 ~~following content areas:~~ Psychopathology, diagnostic assessment,
32 interdisciplinary referral and collaboration, treatment approaches and
33 professional ethics;

34 (C) has completed a graduate level supervised clinical practicum of
35 supervised professional experience including psychotherapy and
36 assessment with individuals, couples, families or groups, integrating
37 diagnosis and treatment of mental disorders with use of the American
38 psychiatric association's diagnostic and statistical manual, with not less
39 than 350 hours of direct client contact or additional postgraduate
40 supervised experience as determined by the board;

41 (D) has completed not less than two years of postgraduate supervised
42 professional experience in accordance with a clinical supervision plan
43 approved by the board of not less than 4,000 hours of supervised

1 professional experience including at least 1,500 hours of direct client
2 contact conducting psychotherapy and assessments with individuals,
3 couples, families or groups and not less than 150 hours of clinical
4 supervision, including not less than 50 hours of person-to-person
5 individual supervision, integrating diagnosis and treatment of mental
6 disorders with use of the American psychiatric association's diagnostic and
7 statistical manual;

8 (E) for persons earning a degree under subsection (b) prior to July 1,
9 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B)
10 and (C) ~~of this subsection~~, has completed the education requirements for
11 licensure as a licensed ~~masters~~ *master's* level psychologist in effect on the
12 day immediately preceding the effective date of this act;

13 (F) for persons who apply for and are eligible for a temporary ~~permit~~
14 *license* to practice as a licensed ~~masters~~ *master's* level psychologist on the
15 day immediately preceding the effective date of this act, in lieu of the
16 education and training requirements under ~~parts subparagraphs~~ (B), (C)
17 and (D) ~~of this subsection~~, has completed the education and training
18 requirements for licensure as a ~~masters~~ *master's* level psychologist in
19 effect on the day immediately preceding the effective date of this act;

20 (G) has passed an examination approved by the board with the same
21 minimum passing score as that set by the board for licensed psychologists;
22 and

23 (H) has paid the application fee, *if required by the board*.

24 (2) A person who was licensed or registered as a ~~masters~~ *master's*
25 level psychologist in Kansas at any time prior to the effective date of this
26 act, who has been actively engaged in the practice of ~~masters~~ *master's*
27 level psychology as a registered or licensed ~~masters~~ *master's* level
28 psychologist within five years prior to the effective date of this act and
29 whose last license or registration in Kansas prior to the effective date of
30 this act was not suspended or revoked, upon application to the board,
31 payment of fees and completion of applicable continuing education
32 requirements, shall be licensed as a licensed clinical psychotherapist by
33 providing demonstration of competence to diagnose and treat mental
34 disorders through at least two of the following areas acceptable to the
35 board:

36 (A) Either: (i) Graduate coursework; or (ii) passing a national,
37 clinical examination;

38 (B) either: (i) Three years of clinical practice in a community mental
39 health center, its contracted affiliate or a state mental hospital; or (ii) three
40 years of clinical practice in other settings with demonstrated experience in
41 diagnosing or treating mental disorders; or

42 (C) attestation from one professional licensed to diagnose and treat
43 mental disorders in independent practice or licensed to practice medicine

1 and surgery that the applicant is competent to diagnose and treat mental
2 disorders.

3 (3) A licensed clinical psychotherapist may engage in the independent
4 practice of ~~masters~~ *master's* level psychology and is authorized to
5 diagnose and treat mental disorders specified in the edition of the
6 diagnostic and statistical manual of mental disorders of the American
7 psychiatric association designated by the board by rules and regulations.
8 When a client has symptoms of a mental disorder, a licensed clinical
9 psychotherapist shall consult with the client's primary care physician or
10 psychiatrist to determine if there may be a medical condition or medication
11 that may be causing or contributing to the client's symptoms of a mental
12 disorder. A client may request in writing that such consultation be waived
13 and such request shall be made a part of the client's record. A licensed
14 clinical psychotherapist may continue to evaluate and treat the client until
15 such time that the medical consultation is obtained or waived.

16 (d) The board shall adopt rules and regulations establishing the
17 criteria which an educational institution shall satisfy in meeting the
18 requirements established under ~~item (3)~~ of subsection (b)(3). The board
19 may send a questionnaire developed by the board to any educational
20 institution for which the board does not have sufficient information to
21 determine whether the educational institution meets the requirements of
22 ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this
23 section. The questionnaire providing the necessary information shall be
24 completed and returned to the board in order for the educational institution
25 to be considered for approval. The board may contract with investigative
26 agencies, commissions or consultants to assist the board in obtaining
27 information about educational institutions. In entering such contracts the
28 authority to approve educational institutions shall remain solely with the
29 board.

30 ~~Sec. 41.~~ **40.** K.S.A. 74-5365 is hereby amended to read as follows:
31 74-5365. (a) ~~The application, issuance of a new license and renewal fee for~~
32 ~~licensure under this act shall~~ *following fees may be fixed by the board by*
33 ~~rules and regulations in an amount not to exceed \$200.~~ *for licensure under*
34 *the licensure of master's level psychologists act: For application, issuance*
35 *of a new license and renewal of a license, an amount not to exceed \$200;*
36 *for replacement of a license, an amount not to exceed \$20; and for a*
37 *wallet card license, an amount not to exceed \$5. Any such fees required by*
38 *the board shall be established by rules and regulations adopted by the*
39 *board.*

40 (b) Fees paid to the board are not refundable.

41 (c) The application for renewal shall be accompanied by evidence
42 satisfactory to the board that the applicant has completed, during the
43 previous 24 months, the continuing education required by rules and

1 regulations of the board. As part of such continuing education, a licensed
2 ~~masters~~ *master's* level psychologist and a licensed clinical psychotherapist
3 shall complete not less than six continuing education hours relating to
4 diagnosis and treatment of mental disorders and not less than three
5 continuing education hours of professional ethics.

6 (d) *Within 30 days after any change of permanent address, a licensee*
7 *shall notify the board of such change.*

8 Sec. ~~42~~ **41**. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as
9 follows: 74-5367. (a) The board may issue a temporary license to practice
10 as a licensed ~~masters~~ *master's* level psychologist to any person who pays a
11 fee prescribed by the board under this section, which shall not be refunded,
12 and who meets all the requirements for licensure under K.S.A. 74-5361 et
13 seq., and amendments thereto, as a licensed ~~masters~~ *master's* level
14 psychologist except the requirement of postgraduate supervised work
15 experience or passing the licensing examination, or both.

16 (b) ~~(1)~~ Absent extenuating circumstances approved by the board, a
17 temporary license issued by the board shall expire upon the date the board
18 issues or denies a license to practice ~~masters~~ *master's* level psychology or
19 24 months after the date of issuance of the temporary license. No
20 temporary license issued by the board will be renewed or issued again on
21 any subsequent applications for the same license level. The preceding
22 provision in no way limits the number of times an applicant may take the
23 examination.

24 ~~(2) A temporary licensee shall take the examination within the first 12~~
25 ~~months subsequent to the issuance of the temporary license unless there~~
26 ~~are extenuating circumstances approved by the board or if the temporary~~
27 ~~licensee does not take the examination within the first 12 months~~
28 ~~subsequent to the issuance of the temporary license and no extenuating~~
29 ~~circumstances have been approved by the board, the temporary license will~~
30 ~~expire after the first 12 months.~~

31 (c) The board ~~shall~~ *may* fix ~~by rules and regulations~~ a fee for the
32 application of the temporary license. The application fee shall not exceed
33 \$100. *Any such fee shall be established by rules and regulations adopted*
34 *by the board.*

35 (d) A person practicing ~~masters~~ *master's* level psychology with a
36 temporary license may not use the title "licensed ~~masters~~ *master's* level
37 psychologist" or the initials "LMLP" independently. The word "licensed"
38 may be used only when followed by the words "by temporary license"
39 such as licensed ~~masters~~ *master's* level psychologist by temporary license,
40 or ~~masters~~ *master's* level psychologist licensed by temporary license.

41 (e) No person may work under a temporary license except under the
42 supervision of a person licensed to practice psychology or ~~masters~~
43 *master's* level psychology in Kansas.

1 (f) The application for a temporary license may be denied or a
2 temporary license which has been issued may be suspended or revoked on
3 the same grounds as provided for suspension or revocation of a license
4 under K.S.A. 74-5369, and amendments thereto.

5 (g) Nothing in this section shall affect any temporary license to
6 practice issued under this section prior to the effective date of this act and
7 in effect on the effective date of this act. Such temporary license shall be
8 subject to the provisions of this section in effect at the time of its issuance
9 and shall continue to be effective until the date of expiration of the license
10 as provided under this section at the time of issuance of such temporary
11 license.

12 ~~Sec. 43: 42. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as~~
13 ~~follows: 74-5369. An application for licensure under K.S.A. 74-5361 to~~
14 ~~74-5371, inclusive, and amendments thereto, may be denied or a license~~
15 ~~granted under this act may be suspended, limited, revoked, have a~~
16 ~~condition placed on it or not renewed by the board upon proof that the~~
17 ~~applicant or licensee:~~

18 ~~(a) Has been convicted of a felony involving moral turpitude;~~

19 ~~(b) has been found guilty of fraud or deceit in connection with the~~
20 ~~rendering of professional services or in establishing such person's~~
21 ~~qualifications under this act;~~

22 ~~(c) has aided or abetted a person not licensed as a psychologist,~~
23 ~~licensed under this act or an uncertified assistant, to hold oneself out as a~~
24 ~~psychologist in this state;~~

25 ~~(d) has been guilty of unprofessional conduct as defined by rules and~~
26 ~~regulations of the board;~~

27 ~~(e) has been guilty of neglect or wrongful duties in the performance~~
28 ~~of duties; or~~

29 ~~(f) (a) The board may refuse to issue, renew or reinstate a license, may~~
30 ~~condition, limit, revoke or suspend a license, may publicly or privately~~
31 ~~censure a licensee or may impose a fine not to exceed \$1,000 per violation~~
32 ~~upon a finding that a licensee or an applicant for licensure:~~

33 ~~(1) Is incompetent to practice psychology, which means:~~

34 ~~(A) One or more instances involving failure to adhere to the~~
35 ~~applicable standard of care to a degree that constitutes gross negligence,~~
36 ~~as determined by the board;~~

37 ~~(B) repeated instances involving failure to adhere to the applicable~~
38 ~~standard of care to a degree that constitutes ordinary negligence, as~~
39 ~~determined by the board; or~~

40 ~~(C) a pattern of practice or other behavior that demonstrates a~~
41 ~~manifest incapacity or incompetence to practice master's level~~
42 ~~psychology;~~

43 ~~(2) has been convicted of a felony offense and has not demonstrated~~

1 to the board's satisfaction that such person has been sufficiently
2 rehabilitated to merit the public trust;

3 (3) has been convicted of a misdemeanor against persons and has not
4 demonstrated to the board's satisfaction that such person has been
5 sufficiently rehabilitated to merit the public trust;

6 (4) is currently listed on a child abuse registry or an adult protective
7 services registry as the result of a substantiated finding of abuse or neglect
8 by any state agency, agency of another state or the United States, territory
9 of the United States or another country and the applicant or licensee has
10 not demonstrated to the board's satisfaction that such person has been
11 sufficiently rehabilitated to merit the public trust;

12 (5) has violated a provision of the licensure of master's level
13 psychologists act or one or more rules and regulations of the board;

14 (6) has obtained or attempted to obtain a license or license renewal
15 by bribery or fraudulent representation;

16 (7) has knowingly made a false statement on a form required by the
17 board for a license or license renewal;

18 (8) has failed to obtain continuing education credits as required by
19 rules and regulations adopted by the board;

20 (9) has been found to have engaged in unprofessional conduct as
21 defined by applicable rules and regulations of the board; or

22 (10) has had a registration, license or certificate as a ~~masters~~ master's
23 level psychologist revoked, suspended or limited, or has had other
24 disciplinary action taken, or an application for a registration, license or
25 certificate denied, by the proper regulatory authority of another state,
26 territory, District of Columbia or another country, a certified copy of the
27 record of the action of the other jurisdiction being conclusive evidence
28 thereof.

29 (b) **For issuance of a new license or reinstatement of a revoked or**
30 **suspended license for a licensee or applicant for licensure with a felony**
31 **conviction, the board may only issue or reinstate such license by a ²/₃**
32 **majority vote.**

33 (c) Administrative proceedings ~~under K.S.A. 74-5361 to 74-5371,~~
34 ~~inclusive, and amendments thereto, and disciplinary actions regarding~~
35 ~~licensure under the licensure of master's level psychologists act~~ shall be
36 conducted in accordance with the Kansas administrative procedure act.
37 Judicial review and civil enforcement of agency actions under ~~K.S.A. 74-~~
38 ~~5361 to 74-5371, inclusive, and amendments thereto, the licensure of~~
39 ~~master's level psychologists act~~ shall be in accordance with the Kansas
40 judicial review act.

41 Sec. ~~44.~~ 43. K.S.A. 74-5370 is hereby amended to read as follows:
42 74-5370. The board may adopt rules and regulations to administer the
43 provisions of K.S.A. 74-5361 to ~~74-5371~~ 74-5375, inclusive, and

1 amendments thereto.

2 Sec. ~~45~~ **44**. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as
3 follows: 74-5375. (a) The behavioral sciences regulatory board may issue
4 a license to an individual who is currently registered, certified or licensed
5 to practice psychology at the ~~masters~~ *master's* level in another jurisdiction
6 if the board determines that:

7 (1) The standards for registration, certification or licensure to practice
8 psychology at the ~~masters~~ *master's* level in the other jurisdiction are
9 substantially equivalent to the requirements of this state; or

10 (2) the applicant demonstrates, on forms provided by the board,
11 compliance with the following standards adopted by the board:

12 (A) ~~Continuous~~ Registration, certification or licensure to practice
13 psychology at the ~~masters~~ *master's* level ~~during the five years for at least~~
14 *60 of the last 66 months* immediately preceding the application with at
15 least the minimum professional experience as established by rules and
16 regulations of the board;

17 (B) the absence of disciplinary actions of a serious nature brought by
18 a registration, certification or licensing board or agency; and

19 (C) a ~~masters~~ *master's* degree in psychology from a regionally
20 accredited university or college.

21 (b) Applicants for licensure as a clinical psychotherapist shall
22 additionally demonstrate competence to diagnose and treat mental
23 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
24 *of subsection (a)(1) or (a)(2)* and at least two of the following areas
25 acceptable to the board:

26 (1) Either graduate coursework as established by rules and
27 regulations of the board or passing a national clinical examination
28 approved by the board;

29 (2) three years of clinical practice with demonstrated experience in
30 diagnosing or treating mental disorders; or

31 (3) attestation from a professional licensed to diagnose and treat
32 mental disorders in independent practice or licensed to practice medicine
33 and surgery stating that the applicant is competent to diagnose and treat
34 mental disorders.

35 (c) An applicant for a license under this section shall pay an
36 application fee established by the board under K.S.A. 74-5365, and
37 amendments thereto, *if required by the board*.

38 Sec. ~~46~~ **45**. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as
39 follows: 74-5376. K.S.A. 74-5361 through ~~74-5375~~ *74-5374 and K.S.A.*
40 *2015 Supp. 74-5375*, and amendments thereto, shall be known and may be
41 cited as the licensure of ~~masters~~ *master's* level psychologists act.

42 Sec. ~~47~~ **46**. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as
43 follows: 74-7507. (a) The behavioral sciences regulatory board shall have

1 the following powers, duties and functions:

2 (1) Recommend to the appropriate district or county attorneys
3 prosecution for violations of this act, the licensure of psychologists act of
4 the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-~~
5 ~~6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to~~
6 ~~74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments~~
7 ~~thereto~~ *the social workers licensure act, the licensure of master's level*
8 *psychologists act, the applied behavior analysis licensure act, the marriage*
9 *and family therapists licensure act or the* ~~additions~~ *addiction counselor*
10 *licensure act;*

11 (2) compile and publish annually a list of the names and addresses of
12 all persons who are licensed under this act, are licensed under the licensure
13 of psychologists act of the state of Kansas, ~~are licensed under the~~
14 ~~professional counselors licensure act, are licensed under K.S.A. 65-6301 to~~
15 ~~65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-~~
16 ~~5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~
17 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
18 *master's level psychologists act, the applied behavior analysis licensure*
19 *act, are licensed under the marriage and family therapists licensure act or*
20 *are licensed under the* ~~additions~~ *addiction counselor licensure act;*

21 (3) prescribe the form and contents of examinations required under
22 this act, the licensure of psychologists act of the state of Kansas, the
23 professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320,~~
24 ~~inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,~~
25 ~~and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the social*
26 *workers licensure act, the licensure of master's level psychologists act, the*
27 *applied behavior analysis licensure act, the marriage and family therapists*
28 *licensure act or the* ~~additions~~ *addiction counselor licensure act;*

29 (4) enter into contracts necessary to administer this act, the licensure
30 of psychologists act of the state of Kansas, the professional counselors
31 licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments~~
32 ~~thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-~~
33 ~~5375, and amendments thereto~~ *the social workers licensure act, the*
34 *licensure of master's level psychologists act, the applied behavior analysis*
35 *licensure act, the marriage and family therapists licensure act or the*
36 ~~additions~~ *addiction counselor licensure act;*

37 (5) adopt an official seal;

38 (6) adopt and enforce rules and regulations for professional conduct
39 of persons licensed under the licensure of psychologists act of the state of
40 Kansas, ~~licensed under the professional counselors licensure act, licensed~~
41 ~~under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,~~
42 ~~licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015~~
43 ~~Supp. 74-5375, and amendments thereto~~ *the social workers licensure act,*

1 *the licensure of master's level psychologists act, the applied behavior*
2 *analysis licensure act, licensed under the marriage and family therapists*
3 *licensure act or licensed under the additions addiction counselor licensure*
4 *act;*

5 (7) adopt and enforce rules and regulations establishing requirements
6 for the continuing education of persons licensed under the licensure of
7 psychologists act of the state of Kansas, ~~licensed under the professional~~
8 ~~counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,~~
9 ~~inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-~~
10 ~~5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~
11 *the social workers licensure act, the licensure of master's level*
12 *psychologists act, the applied behavior analysis licensure act, licensed*
13 ~~under the marriage and family therapists licensure act or licensed under the~~
14 ~~additions addiction counselor licensure act;~~

15 (8) adopt rules and regulations establishing classes of social work
16 specialties which will be recognized for licensure under K.S.A. 65-6301 to
17 65-6318, inclusive, and amendments thereto;

18 (9) adopt rules and regulations establishing procedures for
19 examination of candidates for licensure under the licensure of
20 psychologists act of the state of Kansas, ~~for licensure under the~~
21 ~~professional counselors licensure act, for licensure under K.S.A. 65-6301~~
22 ~~to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A.~~
23 ~~74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~
24 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
25 *master's level psychologists act, the applied behavior analysis licensure*
26 *act, for licensure under the marriage and family therapists licensure act,*
27 ~~for licensure under the additions addiction counselor licensure act and for~~
28 ~~issuance of such certificates and such licenses;~~

29 (10) adopt rules and regulations as may be necessary for the
30 administration of this act, the licensure of psychologists act of the state of
31 Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-~~
32 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~
33 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the*
34 *social workers licensure act, the licensure of master's level psychologists*
35 *act, the applied behavior analysis licensure act, the marriage and family*
36 *therapists licensure act and the additions addiction counselor licensure act*
37 *and to carry out the purposes thereof;*

38 (11) appoint an executive director and other employees as provided in
39 K.S.A. 74-7501, and amendments thereto; and

40 (12) exercise such other powers and perform such other functions and
41 duties as may be prescribed by law.

42 (b) ~~The behavioral sciences regulatory board, in addition to any other~~
43 ~~penalty, may assess an administrative penalty, after notice and an~~

1 opportunity to be heard, against a licensee or registrant for a violation of
2 any of the provisions of the licensure of psychologists act of the state of
3 Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-
4 6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,
5 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the
6 marriage and family therapists licensure act or the addictions counselor
7 licensure act in an amount not to exceed \$1,000. All fines assessed and
8 collected under this section shall be remitted to the state treasurer in
9 accordance with the provisions of K.S.A. 75-4215, and amendments
10 thereto. Upon receipt of each such remittance, the state treasurer shall
11 deposit the entire amount in the state treasury to the credit of the state
12 general fund.

13 (e) If an order of the behavioral sciences regulatory board is adverse
14 to a licensee or registrant of the board, the *actual* costs shall be charged to
15 such person as in ordinary civil actions in the district court ~~in an amount~~
16 ~~not to exceed \$200~~. The board shall pay any additional costs and, if the
17 board is the unsuccessful party, the costs shall be paid by the board.
18 Witness fees and costs may be taxed in accordance with statutes governing
19 taxation of witness fees and costs in the district court.

20 Sec. ~~48: 47~~. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as
21 follows: 74-7508. (a) In connection with any investigation, based upon a
22 written complaint or other reasonably reliable written information, by the
23 behavioral sciences regulatory board, the board or its duly authorized
24 agents or employees shall at all reasonable times have access to, for the
25 purpose of examination, and the right to copy any document, report, record
26 or other physical evidence of any person being investigated, or any
27 document, report, record or other evidence maintained by and in
28 possession of any clinic or office of a practitioner of the behavioral
29 sciences, or other public or private agency if such document, report, record
30 or other physical evidence relates to practices which may be grounds for
31 disciplinary action.

32 (b) In all matters pending before the behavioral sciences regulatory
33 board, the board shall have the power to administer oaths and take
34 testimony. For the purpose of all investigations and proceedings conducted
35 by the behavioral sciences regulatory board:

36 (1) The board may issue subpoenas compelling the attendance and
37 testimony of witnesses or the production for examination or copying of
38 documents, reports, records or any other physical evidence if such
39 documents, reports, records or other physical evidence relates to practices
40 which may be grounds for disciplinary action. Within five days after the
41 service of the subpoena on any person requiring the production of any
42 documents, reports, records or other physical evidence in the person's
43 possession or under the person's control, such person may petition the

1 board to revoke, limit or modify the subpoena. The board shall revoke,
2 limit or modify such subpoena if in its opinion the documents, reports,
3 records or other physical evidence required does not relate to practices
4 which may be grounds for disciplinary action, is not relevant to the
5 allegation which is the subject matter of the proceeding or investigation, or
6 does not describe with sufficient particularity the documents, reports,
7 records or other physical evidence which is required to be produced. Any
8 member of the board, or any agent designated by the board, may
9 administer oaths or affirmations, examine witnesses and receive such
10 documents, reports, records or other physical evidence.

11 (2) The district court, upon application by the board or by the person
12 subpoenaed, shall have jurisdiction to issue an order:

13 (A) Requiring such person to appear before the board or the board's
14 duly authorized agent to produce documents, reports, records or other
15 physical evidence relating to the matter under investigation; or

16 (B) revoking, limiting or modifying the subpoena if in the court's
17 opinion the evidence demanded does not relate to practices which may be
18 grounds for disciplinary action, is not relevant to the allegation which is
19 the subject matter of the hearing or investigation or does not describe with
20 sufficient particularity the documents, reports, records or other physical
21 evidence which is required to be produced.

22 (3) (A) If the board determines that an individual has practiced
23 without a valid license a profession regulated by the board for which the
24 practitioners of the profession are required by law to be licensed in order
25 to practice the profession, in addition to any other penalties imposed by
26 law, the board, in accordance with the Kansas administrative procedure
27 act, may issue a cease and desist order against such individual.

28 (B) Whenever in the judgment of the behavioral sciences regulatory
29 board any person has engaged, or is about to engage, in any acts or
30 practices which constitute, or will constitute, a violation of K.S.A. 65-6301
31 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374,
32 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the
33 licensure of psychologists act, the marriage and family therapists licensure
34 act or the alcohol and other drug abuse counselor registration act, or any
35 valid rule or regulation of the board, the board may make application to
36 any court of competent jurisdiction for an order enjoining such acts or
37 practices, and upon a showing by the board that such person has engaged,
38 or is about to engage in any such acts or practices, an injunction,
39 restraining order, or such other order as may be appropriate shall be
40 granted by such court without bond.

41 (c) Any complaint or report, record or other information relating to a
42 complaint which is received, obtained or maintained by the behavioral
43 sciences regulatory board shall be confidential and shall not be disclosed

1 by the board or its employees in a manner which identifies or enables
2 identification of the person who is the subject or source of the information
3 except the information may be disclosed:

4 (1) In any proceeding conducted by the board under the law or in an
5 appeal of an order of the board entered in a proceeding, or to any party to a
6 proceeding or appeal or the party's attorney;

7 (2) to the person who is the subject of the information or to any
8 person or entity when requested by the person who is the subject of the
9 information, but the board may require disclosure in such a manner that
10 will prevent identification of any other person who is the subject or source
11 of the information; or

12 (3) to a state or federal licensing, regulatory or enforcement agency
13 with jurisdiction over the subject of the information or to an agency with
14 jurisdiction over acts or conduct similar to acts or conduct which would
15 constitute grounds for action under this act. Any confidential complaint or
16 report, record or other information disclosed by the board as authorized by
17 this section shall not be redisclosed by the receiving agency except as
18 otherwise authorized by law.

19 (d) Nothing in this section or any other provision of law making
20 communications between a practitioner of one of the behavioral sciences
21 and the practitioner's client or patient a privileged or confidential
22 communication shall apply to investigations or proceedings conducted
23 pursuant to this section. The behavioral sciences regulatory board and its
24 employees, agents and representatives shall keep in confidence the content
25 and the names of any clients or patients whose records are reviewed during
26 the course of investigations and proceedings pursuant to this section.

27 (e) In all matters pending before the behavioral sciences regulatory
28 board, the board shall have the power to revoke the license or registration
29 of any licensee or registrant who voluntarily surrenders such person's
30 license or registration pending investigation of misconduct or while
31 charges of misconduct against the licensee are pending or anticipated.

32 ~~(f) In all matters pending before the behavioral sciences regulatory~~
33 ~~board, the board shall have the option to censure the licensee or registrant~~
34 ~~in lieu of other disciplinary action.~~

35 Sec. 49. ~~48.~~ K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408,
36 65-6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-
37 5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338,
38 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp.
39 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-
40 6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612,
41 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-
42 6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369,
43 74-5375, 74-5376, 74-7507 and 74-7508 are hereby repealed.

1 Sec. ~~50~~. **49**. This act shall take effect and be in force from and after
2 its publication in the statute book.